Resource Management and Regulation Committee

Tuesday 19 July 2016

1.00pm

In the

Council Chambers,
215 High Street, Rangiora

Members:

Cr Caroline Faass (Chairperson)
Cr Kirstyn Barnett
Cr Peter Allen
Cr Neville Atkinson
Cr Jim Gerard
Mayor David Ayers (ex officio)
The Chairman and Members

RESOURCE MANAGEMENT AND REGULATION COMMITTEE

A meeting of the RESOURCE MANAGEMENT AND REGULATION COMMITTEE will be held in
the COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA, on TUESDAY 19 JULY 2016 at
1.00PM.

Adrienne Smith
Committee Advisor

Recommendations in reports are not to be construed as
Council policy until adopted by the Council

BUSINESS

1. APOLOGIES

2. CONFLICTS OF INTEREST

Conflicts of interest (if any) to be reported for minuting.

3. CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the Resource Management and Regulation
Committee held on 17 May 2016

RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Confirms as a true and correct record the minutes of a meeting of
the Resource Management and Regulation Committee held on 17
May 2016.

4. MATTERS ARISING FROM THE MINUTES

5. PRESENTATION
6. REPORTS

6.1 Council submissions on private plan RCP028 PG Harris, 116,136 and 148 McHughes Road, Mandeville North – Matthew Bacon (Resource Management Planner)

RECOMMENDATION

THAT the Resource Management and Regulation Committee

(a) Receives report No. 160520047174

(b) Approves the submission to Private Plan Change RCP028, PG Harris (160620058241)

(c) Circulates this report to the Oxford-Eyre Ward Advisory Board for its information.

6.2 Annual Report Dog Control 2015/2016 – Malcolm Johnston (Environmental Services Manager)

RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Receives report No: 160706064607

(b) Adopts Table 1 Annual Report for 2015/16 (Dog Control Act 1996 s10A) as the Waimakariri District Council Annual Report in terms of the Dog Control Act 1996.

Table 1 Annual Report for 2015/16 (Dog Control Act 1996 s10A)

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### 6.3 Review of Earthquake-prone Buildings, Dangerous and Insanitary Buildings Policies – Geoff Meadows (Policy Manager)

**RECOMMENDATION**

**THAT** the Resource Management and Regulation Committee

(a) **Receives** report No.160526042947

(b) **Retains** the Earthquake-prone Buildings Policy without further review until it lapses on 13 May 2018, noting that it continues to have effect until the Amendment Act commences

(c) **Approves** rolling the previously separate and distinct Dangerous Buildings Policy and Insanitary Buildings Policy into a single Dangerous and Insanitary Buildings Policy.

(d) **Adopts** the Dangerous and Insanitary Buildings Policy (TRIM No 160526049240), noting the next review of this policy will be in 2021 under section 132(4) of the Building Act 2004.

### 6.4 Draft Submission to the Review of the Class 4 Gambling Discussion Document – Geoff Meadows (Policy Manager)

**RECOMMENDATION**

**THAT** the Resource Management and Regulation Committee:

(a) **Receives** report No.160701063210

(b) **Endorses** the submission for Council approval on 2 August 2016, or
(c) **Approves** the submission for immediate dispatch to the Department of Internal Affairs, or

(d) **Tables** the submission for further consideration and **Authorises** the chair of the Resource Management and Regulation Committee to approve changes to the submission before dispatching prior to the deadline of 12 August 2016.

### 6.5 Review of Gambling Venue and Board Venue Policies – Geoff Meadows (Policy Manager)

**RECOMMENDATION**

**THAT** the Resource Management and Regulation Committee:

(a) **Receives** report No.160516044812

(b) **Retains** the Board Venue Policy unchanged TRIM No 160516044790

(c) **Retains** the Gambling Venue Policy unchanged TRIM No 160516044791, or

(d) **Directs** staff undertake a full review of the Gambling (Class 4) Venue Policy which may include consideration of a relocation policy (made possible by amendments to the *Gambling Act 2003* which inserted sections 105(5A) and (5B)), consideration of the current cap of one machine per 120 adults, and a Social Impact Assessment (required under section 101 (2) of the *Gambling Act 2003*) in the 2017 calendar year

(e) **Notes** that should the Resource Management and Regulation Committee resolve to amend either or both policies, the Special Consultative Procedure will need to be undertaken, which would also be required if a full review of the Gambling Venue Policy was undertaken in 2017.

### 6.6 Waimakariri District Plan Review – Programme Implementation Plan – Trevor Ellis (Development Planning Manager)

**RECOMMENDATION**

**THAT** the Resource Management and Regulation Committee:

(a) **Receives** report No. 160706064817.

(b) **Endorses** the Waimakariri District Plan Review – Draft Programme Implementation Plan and notes that it will be further considered and updated where necessary at the first meeting of the proposed District Plan Review and District Development Strategy Project Control Group.

(c) **Notes** that governance arrangements for the District Plan Review and District Development Strategy programmes of work are a matter for recommendation to the incoming 2016-19 Council.
(d) Notes that an update report on progress with the District Plan Review and District Development Strategy projects will be made to the September meeting of the Committee.

7. PORTFOLIO UPDATES

7.1 District Plan - Councillor Kirstyn Barnett

7.2 Environmental Health and Civil Defence – Councillor Caroline Faass

7.3 Kaiapoi and Rangiora Town Centres – Councillor Neville Atkinson

8. QUESTIONS

9. URGENT GENERAL BUSINESS
WAIMAKARIRI DISTRICT COUNCIL

MINUTES OF A MEETING OF THE RESOURCE MANAGEMENT AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA, ON TUESDAY 17 MAY 2016 AT 1.00PM

PRESENT

Councillor C Faass (Chairperson), Councillors P Allen, J Gerard and K Barnett

IN ATTENDANCE

Councillor J Meyer, Messrs N Harrison (Manager Planning and Regulation Manager), T Ellis (Development Planning Manager), M Bacon (Resource Management Planner), Ms N Hunt (Communications Co-ordinator), B Muir (Planner Policy), A Benbrook (Planning Administrator), S Milosavljevic (Policy Planner) and A Smith (Committee Advisor)

1. APOLOGIES

Apologies were received and sustained from Mayor D Ayers and Councillor N Atkinson.

2. CONFLICTS OF INTEREST

No conflicts of interest were noted.

3. CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the Resource Management and Regulation Committee held on 15 March 2016

Moved Councillor Gerard seconded Councillor Barnett

THAT the Resource Management and Regulation Committee:

(a) Confirms as a true and correct record the minutes of a meeting of the Resource Management and Regulation Committee held on 15 March 2016.

CARRIED

4. MATTERS ARISING FROM THE MINUTES

There were no matters arising.

5. PRESENTATION

There was no presentation.
6. REPORTS

6.1 Public Release of Draft District Plan Change 27 – Natural Hazards Management – Trevor Ellis (Development Planning Manager) and Nicola Hunt (Communications Co-ordinator)

Mr Ellis and Ms Hunt were present for consideration of this report. This seeks approval of the committee to make available the draft of the proposed Plan Change 27 Natural Hazards Management to the District Plan. The hazards relate to earthquake (fault line identification and liquefaction/lateral spread), flooding and some coastal hazard work (erosion), which needs to come through in the District Plan. It was noted that in relation to flooding, the level of information is the best that the Council has had for some time. This is likely to have the most far reaching effects. Mr Ellis provided information on the proposed key amendments for flooding, with the identification of high hazard areas and those areas which are identified as low and medium hazards. The high hazard areas are likely to be those that gain the most attention. It may mean any building additions to current properties will require resource consent to be undertaken. This Plan Change does not cover other potential hazards such as fire, snow events or tsunami.

Nicola Hunt provided information regarding the communications package, advising that there is a web app that has been created which is available on the website. The main focus of the plan is that the information that is being available to the public is easily understood. The communication plan includes newspaper advertisements, Facebook posts and five drop-in sessions. There will also be a phone number available for people to call to speak directly to a Planning team member with any queries. The committee were also asked if it would give consideration for members of the public to come to speak to the committee on matters relating to this issue.

Marion Gadsby and David Goddard from Environment Canterbury joined the meeting at this time and were available to answer any questions of members on issues with hazards.

The meeting adjourned for a workshop discussion at 1.10pm and reconvened at 1.40pm.

Moved Councillor Gerard seconded Councillor Allen

THAT the Resource Management and Regulation Committee

(a) Receives report No. 160421035770.

(b) Approves to make available proposed Plan Change 27 (Natural Hazards Management) to the District Plan as a draft for public discussion and comment prior to RMA notification as a proposed plan change.

(c) Approves the District Plan Portfolio holder to review any minor amendments to the proposed draft plan change prior to public engagement.

(d) Notes that the proposed engagement process on the draft plan change provides for the Committee to hear and consider comments from those that wish to be heard.

(e) Notes the feedback from the consultation period will be heard. A request to notify the proposed Plan Change 27 under provision of
the Resource Management Act may follow at the conclusion of the consultation period at a date to be determined.

(f) **Notes** that the Plan Change makes no change to the process around managing issues with liquefaction.

**CARRIED**

Councillor Gerard noted that the Council owes it to the community to put everything that it knows in front of them.

Councillor Barnett supports the two stage process, though has a concern with the formality of members of the public speaking to a RMR committee meeting, and there still being a formal Plan Change hearing process to go through after this. It was suggested a less formal approach be adopted, of drop in sessions where more informal discussion can take place. Councillor Barnett also has concerns that if members of the public speak to the RMR Committee, it is possible that the subsequent District Plan Change Hearing panel could also comprise members from this committee. Members agreed that a more informal approach would be beneficial. Councillor Barnett commented on liquefaction, suggesting that a lot of people don’t fully understand this.

6.2 **Waimakariri District Plan Review – Confirmation of Resourcing and Budget – Trevor Ellis (Development Planning Manager)**

Mr Ellis presented this report, seeking confirmation from the committee of the proposed additional budget for the accelerated District Plan review. This is to go to the Council for finalising the 2016/17 budget and Annual Plan. Staffing resources will need to be looked at for this review process, as supported by external advice recommended from Resource Coordination Partnership (RCP).

Moved Councillor Barnett seconded Councillor Allen

**THAT** the Resource Management and Regulation Committee:

(a) **Receives** report No. 160505040697.

(b) **Recommends** to Council to confirm proposed additional budget of $1.75 million to undertake the accelerated District Plan review to be spread over 3 years as set out in Attachment ii.

(c) **Notes** that the costs of the hearings stage of the District Plan review are to be determined through the 2018/2028 Long Term Plan.

(d) **Notes** that a full Project Initiation Document will be reported to the Committee at its July meeting.

**CARRIED**

7. **PORTFOLIO UPDATES**

7.1 **District Plan** - Councillor Kirstyn Barnett

- Councillor Barnett has recently attended the Planning Conference and noted the information provided on the aging population. The Council needs to look at ways of having the older residents living closer to the town centres.
• There will be a lot of work in the District Plan Review for the new term of Council in October, in addition to the DLC work. This workload will need to be carefully monitored.

7.2 **Environmental Health and Civil Defence** – Councillor Caroline Faass

Councillor Faass noted there is a Gambling licence hearing to be held on 14 June.

7.3 **Kaiapoi and Rangiora Town Centres** – Councillor Neville Atkinson

Councillor Atkinson was not present.

8. **QUESTIONS**

There were no questions.

9. **URGENT GENERAL BUSINESS**

There was no urgent general business.

There being no further business, the meeting closed at 1.52pm.

CONFIRMED

__________________________
Chairperson

__________________________
Date
WAIMAKARIRI DISTRICT COUNCIL
REPORT

FILE NO and TRIM NO: DDS-06-05-01-28-01 / 160520047174

REPORT TO: Resource Management and Regulation Committee

DATE OF MEETING: 19 July 2016

FROM: Matthew Bacon – Resource Management Planner

SUBJECT: Council submissions on Private Plan RCP028 P G Harris, 116, 136 and 148 McHughs Road, Mandeville North

SIGNED BY: (for Reports to Council or Committees)

 Department Manager

Chief Executive

1. SUMMARY

1.1. The purpose of this report is for the Committee to approve a submission made on proposed Private Plan Change RCP028 P G Harris at 116, 136 and 148 McHughs Road, Mandeville North.

1.2. Proposed Private Plan Change 28 seeks to rezone Lots 1 – 3 DP 476847, held in certificates of title CFR 659932, CFR 659933 and CFR 659934. The land is known as 116, 136 and 148 McHughs Road, Mandeville North. The identified plan change amendments seek to retain the existing Rural Zoning of the area comprising the former gravel pit known as 148 McHughs Road, and to rezone 116 and 136 McHughs Road from Rural to Residential 4A which could provide 22 rural-residential lots. Staff, on behalf of Council, have lodged a submission on the private plan change that seeks to provide for further controls on boundary fencing within the plan change area.

1.3. Due to the timing of the submission process, Council staff were unable to confirm the submission with the Committee prior to the close of the submission period on the 8th of July 2016 and for this reason, this report seeks that the submission is retrospectively confirmed.

1.4. Unless a submission is lodged, the decision maker is unable to consider these matters in its decision. Council staff have therefore lodged submissions prior to the closing date of submissions to ensure that these matters are able to be considered as part of the decision and as a possible provision for inclusion in the District Plan, should the private plan change be granted.

Attachments:

i. Waimakariri District Council Submission on Private Plan Change – PG Harris, RCP028 (160620058241).

ii. Map of Plan Change area.

2. RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Receives report No. 160520047174

(b) Approves the submission to Private Plan Change RCP028, PG Harris (160620058241)

(c) Circulates this report to the Oxford-Eyre Ward Advisory Board for its information.
3. **ISSUES AND OPTIONS**

3.1. Proposed Private Plan Change 28 seeks to rezone Lots 1 – 3 DP 476847, held in certificates of title CFR 659932, CFR 659933 and CFR 659934. The land is known as 116, 136 and 148 McHughes Road, Mandeville North. The identified private plan change amendments seek to retain the existing Rural Zoning of the area comprising the former gravel pit known as 148 McHughes Road, and to rezone 116 and 136 McHughes Road from Rural to Residential 4A which could provide 22 rural-residential lots. Staff, on behalf of Council, have lodged a submission on the private plan change that seeks to provide for further controls on boundary fencing within the private plan change area.

3.2. Attachment i. sets out the Council submission on the private plan change. The key amendments sought by the Council’s submission relate to fencing on the boundaries of lots created by the proposed private plan change. Controls on boundary fencing are considered to play an important role in providing for the characteristics of the Residential 4A and 4B Zones as set out in Policy 17.1.1.2 and associated Table 17.1 of the District Plan. Specifically regarding close board fencing, Council has previously expressed concerns that this type of fencing, which is not currently addressed by the private plan change, can impact on the achievement of rural residential character, particularly as these fences can contribute to a diminished rural outlook, both within the zone, and when viewed from surrounding rural areas.

3.3. The additional plan amendments sought by this submission seek to provide controls on boundary fencing that do not contribute to rural residential amenity while allowing for privacy fencing within the lots, in order to provide an area around the notional boundary of the dwellinghouse which can be used for privacy screening.

3.4. The matters contained within the Council submission have been discussed with the plan change applicant throughout the formulation of the private plan change application to Council. The applicant is generally supportive of the need to ensure that the area achieves the characteristics of the Residential 4A and 4B Zones as set out in the District Plan, but has noted that for reasons of fairness and consistency, that any plan standards that apply to the proposed Residential 4A Zone should be similar to any amendments proposed as part of the District Plan Review. The applicant was made aware of the potential for a Council submission to be lodged prior to the notification of the proposed private plan change.

3.5. The additional District Plan rule sought as a relief within the submission is currently within the draft amendments proposed for the District Plan Review. As a result, the submission seeks flexibility in the drafting of the rule, in order to ensure continuity with draft District Plan provisions as the drafting of fencing rules evolves through the District Plan Review process.

3.6. The submission serves the purpose to ensure that the matters outlined in the submission are able to be addressed through the Resource Management Act 1991 decision making process. The submission provides scope to allow the decision maker to make amendments, noting that amendments to any plan change as notified can only be made in response to a submission.

3.7. The Committee has the options of confirming, amending or withdrawing the submission. The risk of withdrawing the submission is that if the matters within the submissions are not raised by another party, and unless offered by the applicant, this may lead to an officer recommendation that the private plan change be declined. The recommendations of this report are that the submission, as lodged, is confirmed.

3.8. The Management Team has reviewed this report and supports the recommendations.
4. **COMMUNITY VIEWS**

4.1. No specific community views have been sought in making the submission. However, members of the public have had the opportunity to lodge their own submissions. The submission period closed on the 8th of July 2016.

4.2. Submitters, and those that have an interest in the plan change that are greater than the general public, will have the opportunity to support or oppose the Council submission during the further submission process.

5. **FINANCIAL IMPLICATIONS AND RISKS**

5.1. There are no direct financial implications arising from the Council’s submission at this time.

5.2. Sufficient funds exist in the 2016/2017 budget to cover the costs of the statutory process.

6. **CONTEXT**

6.1. **Policy**

This is not a matter of significance in terms of the Council’s Significance Policy.

6.2. **Legislation**


6.3. **Community Outcomes**

- The distinctive character of our towns, villages and rural areas is maintained.

- There are wide ranging opportunities for people to contribute to the decision-making by local, regional and national organisations that affects our District.

6.4. **Delegation**

The Committee has delegation under S-DM 1026:

*Authority for the lodging of submissions or appeals to other statutory bodies in respect of the Resource Management Act or any other Act dealing with resource management issues. Where insufficient time exists the Chairman and one other member of the committee can act on behalf of the committee.*
Resource Management Regulations

Form 5
Submission on publicly notified privately requested Plan Change P028
to the Waimakariri District Plan (P G Harris)
Clause 6 of First Schedule, Resource Management Act 1991

To: Waimakariri District Council

Name of submitter: Waimakariri District Council

Proposed Private Plan Change 28 seeks to rezone Lots 1 – 3 DP 476847, held in
certificates of title CFR 659932, CFR 659933 and CFR 659934. The land is known
as 116, 136 and 148 McHughes Road, Mandeville North. The identified plan change
amendments seek to retain the existing Rural Zoning of the area comprising the
former gravel pit known as 148 McHughes Road, and to rezone 116 and 136 McHughes
Road from Rural to Residential 4A.

The Council’s submission is:

1. Controls on boundary fencing play an important role in providing for the
characteristics of the Residential 4A and 4B Zones as set out in Policy 17.1.1.2
and associated Table 17.1 of the District Plan. Specifically regarding close board
fencing, Council has concerns that this type of fencing, which is not currently
addressed by the plan change, can impact on the achievement of rural residential
character, particularly as these fences can contribute to a diminished rural
outlook, both with the zone, and when viewed from surrounding Rural areas.

2. Council is currently undertaking a review of the Residential 4A and 4B Zones as
part of the District Plan review. As part of the background work to this review,
Council has been working with Andrew Craig Landscape Architects Ltd to
determine appropriate plan controls to ensure that subdivision and development
that enhances the characteristics of the Residential 4A and 4B Zones is enabled.

3. The additional plan standard sought by this submission seeks to provide controls
on boundary fencing that do not contribute to rural residential amenity while
allowing for “solid fencing within the lots, in order to provide an area around the
notional boundary of the dwellinghouse which can be used for privacy screening.

The Council seeks the following decisions from the local authority:

That Private Plan Change P028 is approved subject to the following
amendments:

4. In relation to boundary fencing, provide the following permitted activity condition,
and amendment to discretionary activity rule 31.4.1 into Chapter 31 of the District
Plan, or to like effect:
Add new Rule 31.1.1.50 to read as follows:

31.1.1.50 Within the Mandeville Road – McHughs Road Residential 4 Zone shown on District Plan Map 179, any fence greater than 1.2 metres in height or less than 50% visually permeable shall be:

a. located a minimum of 15 metres from any road boundary, 10 metres from any internal site boundary or 20 metres from any Rural Zone; and,

b. limited to a length of not more than 20 metres along any one side.

Amend Rule 31.4.1 to read as follows:

31.4.1 Except as provided for by Rules 31.1.2, 31.2, 31.3, 31.5 and 31.6 any land use which does not comply with one or more of Rules 31.1.1.10 to 31.1.1.17, 31.1.1.20 to 31.1.1.64 is a discretionary activity.

The Council wishes to be heard in support of its submission.

Signature of submitter
(or person authorised to sign on behalf of submitter)

Date: 1 July 2016

Address for service of submitter: 215 High Street, Private Bag 1005, Rangiora 7440
Telephone: 03 311 8900
Fax: 03 313 4432
Contact person: Victoria Caseley, Plan Implementation Manager
WAIMAKARIRI DISTRICT COUNCIL

REPORT

FILE NO and TRIM NO: ANC-06, GOV-01-07 / 160706064607

REPORT TO: Resource Management and Regulation Committee

DATE OF MEETING: 19 July 2016

FROM: Malcolm Johnston, Environmental Services Manager


SIGNED BY: (for Reports to Council or Committees)

1. SUMMARY

1.1. The purpose of this paper is to report the requirements of the Dog Control Act s10A for 2015/16. The report, with Table 1, is for information purposes and lists the number of dogs registered, the number declared dangerous or menacing and the number and type of dog control complaints received for the year from 1 July 2015 to 30 June 2016.

1.2. If the report is accepted the Council is required to publicly notify the information as shown in Table 1 and send a copy of that notice to the Department of Internal Affairs.

2. RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Receives report No: 160706064607

(b) Adopts Table 1 Annual Report for 2015/16 (Dog Control Act 1996 s10A) as the Waimakariri District Council Annual Report in terms of the Dog Control Act 1996.

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The number of infringement notices issued. 68 66

3. ISSUES AND OPTIONS

3.1. This report is a statutory requirement of the Dog Control Act 1996 (the Act) specifically Section10A, intended to inform the community of a summary of dog statistics for the District. Section 6.2 of this report lists the statutory requirements. The Committee has the option of adopting the recommendation as fulfilling the requirement of that section or not. If the Committee adopts the recommendation, Table 1, Annual Report for 2015/16, will be publicly notified and a copy forwarded to the Department of Internal Affairs for information as required by the Act pursuant to Section 10A(4). No other action is required.

3.2. Section 10A of the Act is prescriptive and lists the matters on which the Council is to report. The following is an explanation of the requirements; (previous year numbers in brackets).

Registered Dogs: 11855 (11568)
This is the number of dogs registered with Waimakariri District Council for the 2015-2016 year. 65% (7743) of the dogs are desexed. Of the 11855 dogs there are 1130 working dogs which equates to 9.5% of the total registered dog population.

Registered Owners: 7607 (7368)

Probationary Owners: 0 (0)
This classification enables the Council to place restrictions on an owner, such as barring ownership of a dog for a set period and to undergo suitable training. The probationary classification enables the Council to monitor compliance and dog control.

Dangerous Dogs: 15 (14)
These are animals deemed by the Council to be dangerous. They are classified because they have behaved aggressively to people and/or animals. A key criterion for this classification is that witnesses have made formal statements concerning the behaviour observed. Dangerous dogs are required to be de-sexed, as well as restrained and muzzled when in public. An owner can appeal a classification and the matter would be considered by the Council's Hearing Committee.
Menacing Dogs: 60 (59)
This classification has less restriction on the owner than the dangerous dog classification. Dogs can be classified as menacing if the Council considers they are a threat to people and/or stock or they are registered as a particular breed that Parliament has deemed to be menacing. These breeds include the American Pit Bull terrier, Brazilian Fila, Dogo Argentino and Japanese Tosa. Menacing dogs are required to be restrained and muzzled in public. Menacing dogs are also required to be desexed.

Complaints: 2766 (2830)
These are grouped into complaint type and are dealt with by after-hours or through a service request generated by Customer Services. Complaints are received through many different forms of media.

Infringement Notices: 68 (66)
These are issued for offences related to nuisances such as a dog not being under control or for having an unregistered dog. Infringement notices are not utilised often and where they have been issued, this has largely been the case where previous attempts to gain compliance from the dog owner has been unsuccessful.

3.3. The Management Team and Chief Executive have reviewed this report and support the recommendations.

4. COMMUNITY VIEWS

4.1. This report is a statutory requirement of the Council intended by the Act to provide a summary of dog control statistics to the public and the Department of Internal Affairs. The information is collected district-wide and is not broken down into wards. No comment or action is required from the Community Boards or Advisory Board. If the information is accepted by the Council, Table 1 will form the basis of a public notice in a local newspaper, as required by the Act.

4.2. External & Internal
The report is a summary of control operations and registration information for the last year; external consultation was not necessary.

5. FINANCIAL IMPLICATIONS AND RISKS

5.1. Dog Control is funded entirely by dog registration and licensing fees. It is not subsidised by rates.

5.2. The Council employees three Animal Control Officers. This enables the Animal Control Unit to maintain excellent levels of service in line with the district’s growing population. It has also increased registration compliance through providing adequate resources to follow up on unregistered dogs.

5.3. No policy development or animal control operational work is dependent on this report and it has no financial or risk considerations.

6. CONTEXT

6.1. Policy
This is not a matter of significance in terms of the Council’s Significance Policy.

6.2. Legislation
The Dog Control Act 1996 Section 10A, sets out the criteria that must be included in the report:
10A Territorial authority must report on dog control policy and practices—

(1) A territorial authority must, in respect of each financial year, report on the administration of
(a) its dog control policy adopted under section 10; and
(b) its dog control practices.

(2) The report must include, in respect of each financial year, information relating to—
(a) the number of registered dogs in the territorial authority district:
(b) the number of probationary owners and disqualified owners in the territorial authority district:
(c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:
(d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made:
(e) the number of infringement notices issued by the territorial authority:
(f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints:
(g) the number of prosecutions taken by the territorial authority under this Act.

(3) The territorial authority must give public notice of the report—
(a) by means of a notice published in—
   (i) 1 or more daily newspapers circulating in the territorial authority district; or
   (ii) 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
(b) by any means that the territorial authority thinks desirable in the circumstances.

(4) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.

6.3. Community Outcomes

The community has signalled to the Council that “a safe environment for all” is a priority. The Council’s administration of acts, regulations and bylaws for health and safety, such as the Dog Control Act 1996, provide a means for the Council to assist the community in achieving that outcome.

6.4. Delegation

Delegation S-DM 1026:

The Resource Management and Regulation Committee shall enjoy all the powers granted to a standing committee under this Manual and shall be responsible for determining policy within the following general jurisdiction:

- Dog registration and control
1. **SUMMARY**

1.1. The purpose of this report is to seek the Committee’s direction for the review of three policies that are required by section 131 of the *Building Act 2004* – the Earthquake-prone, Dangerous and Insanitary Building Policies. These three policies are separate and distinct and were last reviewed in 2011.

1.2. Section 132(4) of the *Building Act 2004* stipulates that Earthquake-prone, Dangerous and Insanitary Buildings Policies must be reviewed at 5 year intervals, so review of the three policies is due in 2016.

1.3. Royal assent to the *Building (Earthquake-prone Buildings) Amendment Act 2016* occurred on Friday 13 May 2016, and commences two years later on 13 May 2018. The Amendment Act repeals a territorial authority’s Earthquake-prone Buildings Policy (Schedule 1AA, section 3).

1.4. Section 132 (5) of the *Building Act 2004* provides for a policy to have continuing effect even when it is due for review or is being reviewed.

1.5. There does not seem to be a compelling reason to review the Earthquake-prone Buildings Policy, since it is scheduled to lapse in May 2018.

1.6. A review of the Dangerous and Insanitary Buildings Policies shows that there is no compelling reason to change their terms. They have been effective in their application. There is merit in rolling them into a single policy. If the policies are otherwise unchanged, and there is no overriding need, this would not invoke the Special Consultative Procedure (SCP).

**Attachments:**

i. Existing 2011 Earthquake-prone Building Policy (S-CP 0425)
ii. Existing 2011 Dangerous Buildings Policy (S-CP 0430)
iii. Existing 2011 Insanitary Buildings Policy (S-CP 0435)
iv. Draft combined Dangerous and Insanitary Buildings Policy (TRIM No 160526049240)
2. **RECOMMENDATION**

THAT the Resource Management and Regulation Committee

(a) **Receives** report No.160526042947

(b) **Retains** the Earthquake-prone Buildings Policy without further review until it lapses on 13 May 2018, noting that it continues to have effect until the Amendment Act commences

(c) **Approves** rolling the previously separate and distinct Dangerous Buildings Policy and Insanitary Buildings Policy into a single Dangerous and Insanitary Buildings Policy.

(d) **Adopts** the Dangerous and Insanitary Buildings Policy (TRIM No 160526049240), noting the next review of this policy will be in 2021 under section 132(4) of the **Building Act 2004**.

3. **ISSUES AND OPTIONS**

3.1 Waimakariri District Council’s current Earthquake-prone Buildings Policy requires that buildings are assessed within two years, and seismic strengthening carried out within ten to twenty years of assessment, depending on the category of building. For example, category A buildings - those with special post disaster functions such as hospitals, are ten years, category B buildings - that contain crowds have 15 years, and lower importance category D buildings such as commercial premises have twenty years. Since this assessment is largely already done, Waimakariri District's seismic works for non-residential buildings, and all multi-unit and multi-story residential buildings, are ahead of the national requirements of the Amendment Act, which requires assessment within between 2.5 years and fifteen years, and strengthening within between 7.5 years and thirty five years depending on the seismic risk category.

3.2 Earthquake-prone buildings in the Waimakariri District are listed on the Council’s website, including those buildings that have been assessed as not earthquake-prone. The Council has employed a dedicated assessment officer since mid-2011 to carry out the Initial Evaluation Process (IEP) assessments in tandem with engineering consultants. The costs have been a significant part of a full-time equivalent position and approximately $40,000 per annum in engineering consultancies.

3.3 Owners of earthquake-prone buildings have found the IEPs produced by the Council/engineer to be a guiding tool for understanding both the legislative requirements and the extent of repairs required. The production of an initial assessment report has greatly assisted the owners to make timely and informed decisions regarding either demolition or repair.

3.4 This work since 2012 ahead of the Amendment Act means that this compulsory assessment work is already complete in this District, and much of the seismic strengthening or demolition work is complete or well underway. This will provide the businesses of the District with more resilient buildings and a competitive advantage being in a position to attract business tenants while other parts of the nation comply with the new provisions of the Amendment Act. Many nation-wide chains require seismic strengthening to 67% or more of code, and will not lease buildings that have not been subject to earthquake-prone assessment and strengthening to at least, in some cases, 80% of the building code.

3.5 The Amendment Act defines the meaning of low, medium and high seismic risk. Waimakariri District is classed as a high seismic risk, as an area with a Z factor that is greater than or equal to 0.3. The Amendment Act (section 133AG) requires a Territorial Authority in a high seismic risk category to carry out an initial assessment within 2.5
years for priority buildings, and within 5 years for other buildings, and for seismic works to be carried out (Section 133AM) within 7.5 years for priority buildings and within 15 years for other buildings. These provisions do not have effect until the commencement of the Act on 13 May 2018. In the meantime, the existing 2011 Council Earthquake-prone Building Policy prevails (per Section 132 (4) of the Building Act 2004).

3.6 The requirements for Territorial Authorities to have a Dangerous Buildings Policy and an Insanitary Buildings Policy are under different sections of the Building Act 2004 (sections 121 and 123 respectively) and are not impacted by the Building (Earthquake-prone Buildings) Amendment Act 2016. A dangerous building is one that could, in the normal course of events other than an earthquake, injure or kill someone. An insanitary building is one that does not have appropriate potable water or sanitary facilities, is in disrepair or has insufficient means of preventing moisture penetration. Apart from these specifics, the provisions of these two policies are similar and there are no compelling reasons why they should not be rolled into a single policy. This would be an administrative matter that would not require public consultation. Both Christchurch and Hamilton City Councils have a single policy for Dangerous and Insanitary Buildings.

3.7 The incidence of dangerous or insanitary buildings in the district is very low – in the order of 1 or 2 enquiries a year. The policies have been effective in managing the matters with no issues apparent in their application.

3.8 The policies were approved in May 2011 and the Act requires that they be reviewed at intervals of not more than 5 years. As the policies remain fit for purpose it’s recommended that they are renewed unchanged apart from the administrative convenience of combining them.

3.9 Options include, but are not limited to:

1. Let the 2011 Earthquake-prone Building Policy lapse in May 2018 without amendment, relying on section 132 (4) of the Building Act 2004 that gives a policy on-going effect, even when that policy is due for review;

2. Amend the 2011 Earthquake-prone Building Policy to align with the provisions and definitions of the Building (Earthquake-prone Buildings) Amendment Act 2016 so that the provisions of the Amendment Act will apply in the two year hiatus between the scheduled review in 2016 and the commencement of the Act in 2018;

3. Retain the 2016 reviewed Dangerous Buildings and Insanitary Buildings Policies as separate and distinct documents;


5. Seek public input into the Dangerous Buildings and Insanitary Buildings Policies

Note: Options 2 and 5 will require a Special Consultative Procedure.

4. COMMUNITY VIEWS

4.1 Since the repeal of the Earthquake-prone Buildings Policy is a statutory requirement, and since there is no substantive change to the content of the Dangerous and Insanitary Buildings Policy, there has been no public consultation in these policy reviews.
5. **FINANCIAL IMPLICATIONS AND RISKS**

5.1 If the Dangerous and Insanitary Buildings Policy is to be amended, the costs of a Special Consultative Procedure would be in the order of $10,000.

6. **CONTEXT**

6.1 **Policy**

This matter is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

6.2 **Legislation**

*Building Act 2004 – sections 121, 123, 131, 132*

*Building (Earthquake-prone Buildings) Amendment Act 2016 – sections 2(b), 133AG, 133AM, Schedule 1AA section 3*

6.3 **Community Outcomes**

*There is a safe environment for all*

- *Harm to people from natural and man-made hazards is minimised*

Geoff Meadows – Policy Manager
EARTHQUAKE PRONE BUILDINGS

1. INTRODUCTION

The Building Act 2004 (Act) s.131 requires Territorial Local Authorities (TLA) to develop a policy on earthquake prone buildings. The Act defines this as follows:

"122. Meaning of earthquake-prone building—

(1) A building is earthquake prone for the purposes of this Act if, having regard to its condition and to the ground on which it is built, and because of its construction, the building—

(a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and

(b) would be likely to collapse causing—

(i) injury or death to persons in the building or to persons on any other property; or

(ii) damage to any other property.

(2) Subsection (1) does not apply to a building that is used wholly or mainly for residential purposes unless the building—

(a) comprises 2 or more storeys; and

(b) contains 3 or more household units.”

The policy is required to state:

- the approach that the Waimakariri District Council will take
- the priorities in applying the policy
- how the policy will apply to heritage buildings.

Although the Building Act 2004 requires all territorial authorities to address the issue of earthquake prone buildings, it is recognised that the nature of each individual response may vary. The Department of Building and Housing advises that territorial authorities may, and should, develop policies which are appropriate to their own communities.

The Building Act 2004 sets the requirement for this policy. The Building Act provides the legislative expression of the government’s policy objectives for New Zealand buildings.

The Government has acknowledged that New Zealand is subject to earthquakes of various severity and some parts of it are seismically more active than others. In these seismically more active locations, the population's life and health, its buildings and other built infrastructure are at considerable risk only if not appropriately designed to current standards and codes.
EARTHQUAKE PRONE BUILDINGS
The legislation relating to earthquake prone buildings seeks to reduce the level of risk to the public over time and targets the most vulnerable buildings.

2. POLICY CONTEXT

Within the Waimakariri District there are ongoing risks to public safety from the existing building stock posed by known fault lines located within the district and other large fault lines located at some distance from the district. The Alpine Fault is outside the district and forms the western edge of the Southern Alps, and has a very high activity rate presenting a significant hazard throughout the district. In addition, the district experiences risk from the Hope fault to the north, and from significant known faults of lower activity in the mountains and foothills of the district. In addition, buried active structures under the sediments of the Canterbury Plains also pose a threat together with the known Springbank fault crossing the plains.

The Government has acknowledged that strengthening buildings to improve their ability to withstand earthquake shaking will involve costs to territorial authorities, building owners and to the community generally. The Council, in developing and reviewing this policy, is responding to the Government directive and legislative requirement to address and reduce the risks posed by earthquake prone buildings within the Waimakariri District over time.

3. POLICY OBJECTIVE

The objective of the Earthquake Prone Buildings Policy is to improve the safety of the District's building stock in order to protect human life and property in a future earthquake event.

The Policy seeks to raise, over time, the level of structural performance of the district’s buildings in a future earthquake event by achieving the ongoing structural strengthening of earthquake prone buildings.

4. POLICY STATEMENT

The following steps overview the approach that the Waimakariri District Council will take in identifying earthquake prone buildings within the Waimakariri District, as required by Section 131 of the Building Act 2004.

4.1 Identifying earthquake prone buildings

The Council will:
- Undertake an initial desktop review of Council’s files and information to assess which buildings could be earthquake prone.
Buildings

EARTHQUAKE PRONE BUILDINGS

Buildings that will not be included in the policy and will not require further assessment include those:

- Isolated structures unlikely to collapse causing injury, death to persons or damage to other property when subjected to a moderate earthquake as defined by the Regulations (refer section 122(1)(b) of the Act or identified as buildings in importance level 1 in AS/NZS 1170.0:2002).
- Used wholly or mainly for residential purposes, unless the building comprises two or more storeys and contains three or more household units (section 122(2) of the Act).
- Council, Transit NZ or other agency infrastructure managed by an Asset Management Plan that includes an earthquake-prone assessment by an appropriately qualified person.

- Follow this with a brief visual inspection of each building, where necessary.
- Carry out initial evaluation of performance in an earthquake, based on the New Zealand Society of Earthquake Engineering (NZSEE) Initial Evaluation Procedure (IEP), in accordance with the "Assessment and Improvement of the Structural Performance of Buildings in Earthquakes 2006, including Corrigendum Number 1".
- Require building owners to do a detailed assessment on buildings identified as likely to be earthquake-prone in the initial evaluation unless otherwise agreed in discussion following the initial evaluation. The detailed assessment, if required, must be completed by a Chartered Professional Engineer, within 24 months of the date from which the Council issues the formal notice identifying the building as earthquake prone. The detailed assessment must be undertaken in accordance with the detailed assessment methods prescribed by the NZSEE and/or the Light Timber Frame Building Standard NZ 3604.
- Compile and categorise a list of earthquake prone buildings according to the results of the assessments.
- Earthquake prone buildings are categorised as follows:
  B. Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0:2002, Importance Level 3.
  C. Heritage buildings identified on Council's register in the District Plan.
  D. Buildings with an Importance Level less than 3 as defined in AS/NZS 1170.0:2002.

4.2 Assessment Criteria

The definition of Earthquake Prone Buildings is given in Section 122 of the Building Act 2004 and the definition of moderate earthquake is given in Regulation SR 2005/32. "Moderate earthquake" means, in relation to a building, "an earthquake that would generate shaking at the site of the building that is of the same duration as, but that is one-third as strong as, the earthquake shaking... that would be used to design a new building on the site."
EARTHQUAKE PRONE BUILDINGS (contd)

The Council will use the NZSEE Recommendations as its preferred basis for defining technical requirements and criteria. These Recommendations are designed to be used in conjunction with AS/NZS 1170 Loadings Standard, NZS 3101 Concrete Structures Standard, NZS 3404 Steel Structures Standard and other materials Standards.

Legally it is considered the Council cannot require a building to be strengthened to more than the minimum 34% of the New Building Standard (at which point the building is no longer considered earthquake prone in terms of the Building Act 2004). Earthquake prone buildings are required to be strengthened so that they are no longer earthquake prone once the strengthening is complete.

The Council through this policy encourages owners to strengthen their buildings to 67% of the New Buildings Standard to better ensure the safety of tenants and the public, and to secure the long term future of the District’s building stock.

Categories of buildings are described in Section 4.9 “Priorities”.

4.3 Taking Action on Earthquake Prone Buildings

Before exercising its powers under the Building Act 2004, the Council will seek, within a defined time-frame, to discuss options for action with the owners of earthquake prone buildings. A mutually acceptable approach for dealing with the danger will be sought.

In the event that discussions do not give a mutually acceptable approach, the Council will serve a formal notice on the owner to strengthen or demolish the building. In accordance with s124 and s125 of the Act the Council will:

- Advise and liaise with the owner(s) of buildings;
- If found to be earthquake prone:
  - May attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger;
  - Give copies of the notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a heritage building;
  - Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with;
  - Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

All owners have a right of appeal as defined in the Act, which can include applying to the Department of Building and Housing for a determination under s177(e) of the Act.
EARTHQUAKE PRONE BUILDINGS (contd)

4.4 Interaction Between Earthquake Prone Building Policy and Related Sections of the Building Act 2004

Alteration to Existing Building (section 112)
When an application for a consent for a significant alteration to a building is received and the building has an earthquake prone strength of less than 34% of the Code, the building will be required to be strengthened as part of the consent. A significant alteration would include work that affected the footprint, weather tightness, structure of the building or access. Required levels of strengthening are specified in section 4.2 “Assessment Criteria”.

Change of Use (section 115)
When an application for a consent involving a change of use is received the Council will follow the requirements of the Building Act, section 115 in determining the requirements for that building. This means that the building will be required to be strengthened to as near as is reasonably practicable the strength of a new building.

4.5 Recording a Building’s Earthquake Prone Building Status

The Council will keep a register of all earthquake prone buildings noting the status of requirements for improvement or the results of improvement as applicable. In addition, the following information will be placed on the LIM for each building that is earthquake prone or is likely to be earthquake prone (as shown through the IEP):

- Address and legal description of land and building
- Statement that the building is considered to be earthquake prone, or is likely to be earthquake prone
- Date by which strengthening or demolition is required (if known)
- Statement that further details are available from the Council property file.

4.6 Access to Information

Information concerning the known earthquake status of a building will be contained on the property file. The requirements of the Local Government Official Information & Meeting Act 1987 and the Local Government Act 2002 will be met.

4.7 Economic Impact of the Policy

There is no specific analysis for the district of the economic impact of this legislative requirement. An analysis can only be made after any buildings have been evaluated to find the scale and extent of any strengthening work.
EARTHQUAKE PRONE BUILDINGS (contd)

4.8 Heritage Buildings

It is important that heritage buildings have a good chance of surviving a major earthquake. However it’s also important to see that the heritage values of the buildings are not adversely affected by structural improvements.

Heritage buildings will be assessed in the same way as other potentially earthquake prone buildings and discussion will be held with owners and the Historic Places Trust to find a mutually acceptable way forward within a reasonable timeframe. Special efforts would be made for heritage objectives such as for example replacing heavy facades with light weight materials. If this is not possible then the opportunity remains to serve notices to owners.

Any additions of new heritage buildings to the District Plan list would be required to have an earthquake prone building assessment (the Initial Evaluation Procedure) as part of the assessment process that the Council undertakes prior to listing buildings in the heritage schedule of the District Plan.

4.9 Priorities

The Council has prioritised both the identification and the requirement to strengthen or demolish buildings as follows.

Figures in brackets indicate the latest date for identification and notification and the maximum time for strengthening or demolition respectively. Depending on the nature of the building, building owners may have options such as adopting a staged approach to strengthening, or partial deconstruction of buildings, and for heritage buildings demolition is considered to be the last resort.

The Council will require a Chartered Professional Engineer to provide the design for all structural strengthening and retrofit plans for any earthquake prone building, and any peer review of such that is undertaken at the discretion of a building owner must also be provided by a Chartered Professional Engineer. Times required for strengthening or demolition start on the date of issue of formal notice. Specific times will be assigned for action according to the assessment of structural performance and the nature of the concerns.

The order will be as indicated below:

**Category A**: Buildings with special post-disaster functions as defined in AS/NZS 1170.0:2002, Importance Level 4 (December 2010, 10 years).

**Category B**: Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0:2002, Importance Level 3 (December 2011, 15 years).

**Category C**: Heritage buildings recorded in the Council’s District Plan (December 2012, 15 years).
EARTHQUAKE PRONE BUILDINGS (contd)

Category D: Buildings with an Importance Level of less than 3 as defined in AS/NZS 1170.0:2002 (December 2013, 20 years). Note buildings excluded from the policy in the paragraph Identifying Earthquake Prone Buildings.

Once each category has been reviewed and those buildings that are likely to be earthquake prone identified, the process of liaising with owners and serving notices will commence. Identification of buildings in each category will proceed according to the priorities identified above. The level of strengthening required for each Category is specified in this policy in section 4.2 “Assessment Criteria”.

Buildings that fall across more than one category will be assigned to the highest category level.

5. Links to Other Policies and Community Outcomes

The revised policy will support progress toward achieving the following community outcome:

There is a safe environment for all
  • Harm to people from natural and manmade hazards is minimised

6. Adopted by and Date

This policy was adopted by the Waimakariri District Council on Tuesday 4 October 2011.

7. Review

This policy is to be reviewed at five-year intervals (Building Act 2004, Section 132).

The Council will review this policy if any recommendations of the Canterbury Earthquakes Royal Commission that are subsequently adopted by Government would affect any matters contained in this policy.
DANGEROUS BUILDINGS POLICY

1 Introduction
The Building Act 2004 (Act) s.121 requires Territorial Local Authorities (TLA) to develop a policy on dangerous buildings. The Act defines this as follows:

"A building is dangerous for the purposes of this Act if, —
(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause —
(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
(ii) damage to other property; or
(b) in the event of fire, injury or death to any person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."
(See full definition as amended by Order in Council SR 2010/315)

The policy is required to state:
- the approach that the Waimakariri District Council will take
- the priorities in applying the policy
- how the policy will apply to heritage buildings.

2 Policy Context
Notice of dangerous buildings usually comes to the Council as a complaint, commonly by tenants or neighbours, and also by inspection or observation by Council staff. Often the building state is a result of an unconsented conversion such as turning a garage into a second dwelling.

3 Policy Objective
The Council will:
- Respond to and investigate all building complaints.
- Identify from these any buildings that may be dangerous.
- Notify the owners of the building to take action to reduce or remove the danger.
- Liaise with the NZ Fire Service when appropriate in accordance with section 121(2) of the Act: "and develop a method of identifying dangerous buildings in terms of fire risk."

4 Policy Statement
4.1 Assessment Criteria
Assessment will be made in accordance with the Building Act 2004 s.121. Assessment will include:
- If the building is occupied
- The building use
- If the building is likely to cause injury or death to people.
- Damage to other property.
- Fire hazard.
4.2 Taking Action on Dangerous Buildings
The Council will: (s.124, 125 of the Act)
- Notify the owner the building is found to be dangerous.
- May request a report from the New Zealand Fire Service.
- Attach a notice to the building requiring work to be carried out within a time stated to be not less than 10 working days, to reduce or remove the danger.
- Give copies of the notice to the owners, occupiers and every person who has an interest in the land, and if the building is a heritage building, to the New Zealand Historic Places Trust.
- Contact the owner at the expiry of the time period set down in the notice to that access to the building can be gained to assess compliance with the notice.
- Determine if enforcement action should be pursued under the Act if the requirements of the notice are not met.

If immediate action is required, the Council will:
- Cause action to be taken to remove that danger which may include excluding people from the building.
- Take action to recover all costs from the owner.
- Inform the owner that the amount recoverable by the Council will become a charge on the land on which the building is situated.

If owners dispute the Council’s actions, they can seek a Determination from the Department of Building and Housing. In turn that decision can be subject to appeal at the District Court.

4.3 Record-Keeping
Any building identified as dangerous will have a note placed on the property file. That note can be uplifted once the danger has been removed or fixed.

LIM will note that:
- the building is dangerous;
- copy of the notice;
- any report on how the matter is to be rectified.

4.4 Access to Information
Information will be on the LIM. The requirements of the Local Government Official Information and Meetings Act 1987, and Local Government Act 2002 will be met.

4.5 Economic Impact of the Policy
The Council receives very few complaints a year about dangerous buildings. At this level, and having in mind not all complaints are upheld, the economic impact of the policy is considered to be negligible.

4.6 Heritage Buildings
Heritage buildings will have to comply with this policy.
DANGEROUS BUILDINGS POLICY

4.7 Priorities
Priorities will be assigned by risk. Generally, because the number of dangerous building complaints is few, a high priority is assigned to the matter.

Priority will be given where immediate action is required to remove and fix dangerous conditions.

Where immediate action is not required, Council action will be subject to the timelines of any notice.

5 Links to legislation, other policies and community outcomes
Local Government Official Information and Meetings Act 1987
Local Government Act 2002
S-CP 425 Earthquake Prone Buildings Policy

Community Outcomes:

There is a safe environment for all
- Harm to people from natural and manmade hazards is minimised.
The community's cultures, arts and heritage are conserved and celebrated
- Heritage buildings and sites are protected.
The distinctive character of our towns, villages and rural areas is maintained
- The centres of our main towns are safe, convenient and attractive places to visit and do business.

6 Adopted by and date
Adopted by Council on 4 July 2006 and reviewed by Resource Management and Regulation Committee on 17 May 2011.

7 Review
In accordance with s.132 (4) of the Building Act 2004 this policy will be reviewed at intervals of not more than five years or sooner by resolution of Council.
INSANITARY BUILDINGS POLICY

1 Introduction
The Building Act 2004 (Act) s.131 requires Territorial Local Authorities (TLA) to develop a policy on insanitary buildings. The Act defines this as follows:

"A building is insanitary for the purposes of this Act if the building —
(a) is offensive or likely to be injurious to health because —
(i) of how it is situated or constructed; or
(ii) it is in a state of disrepair; or
(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
(c) does not have a supply of potable water that is adequate for its intended use
(d) does not have sanitary facilities that are adequate for its intended use."

The policy is required to state:

- the approach that the Waimakariri District Council will take
- the priorities in applying the policy
- how the policy will apply to heritage buildings.

2 Policy Context
The Council needs this policy to ensure compliance with the Building Act 2004 s.131.

3 Policy Objective
The objective of this policy is to provide a mechanism for Council to respond to and investigate all building complaints and identify any buildings that may be insanitary.

4 Policy Statement
4.1 Identifying Insanitary Buildings
Notice of insanitary buildings usually comes to the Council as a complaint, commonly by tenants or neighbours, or by inspection or observation by Council staff.

The Council will:
- Respond and investigate all building complaints.
- Identify from these any buildings that may be insanitary.
- Notify the owners of the building to take action to prevent the building remaining insanitary.
- Consult with CPH (Medical Officer of Health) as required. This is especially the case if occupants are considered neglected or infirm.

4.2 Assessment Criteria
Assessment will be made in accordance with the Building Act 2004 s.123 and the Building Code. Assessment will include:

- if the building is occupied;
INSANITARY BUILDINGS POLICY

- the building use;
- if conditions present a danger to the health of occupants.

Where a building is occupied an assessment of insanitary conditions will include:

- adequate sanitary facilities for the use, NZ Building Code G1, Personal Hygiene;
- adequate potable water, NZBC G2 Water Supplies;
- separation of kitchen from other sanitary facilities;
- moisture penetration, NZBC E2 External Moisture;
- defects in cladding to roof;
- construction materials;
- if the building is offensive because of how it is situated.

4.3 Taking Action on Insanitary Buildings
The Council will:

- Notify the owner that the building is found to be insanitary.
- Attach a notice to the building requiring work to be carried out within a time stated to be not less than 10 working days, to prevent the building from remaining insanitary.
- Give copies of the notice to the owners, occupiers and every person who has an interest in the land, and if the building is a heritage building, to the New Zealand Historic Places Trust.
- Contact the owner at the expiry of the time period set down in the notice to that access to the building can be gained to assess compliance with the notice.
- Determine if enforcement action should be pursued under the Act if the requirements of the notice are not met.

If immediate action is required, the Council will:

- cause action to be taken to fix the insanitary conditions;
- take action to recover all costs from the owner;
- inform the owner that the amount recoverable by the Council will become a charge on the land on which the building is situated.

If owners dispute the Council's actions, they can seek a Determination from the Department of Building and Housing. In turn that decision can be subject to appeal at the District Court.

4.4 Record Keeping
Any building identified as insanitary will have a note placed on the property file. That note can be uplifted once the insanitory conditions have been fixed.

LIM will note that:

- the building is insanitary
- copy of the notice
- any report on how the matter is to be rectified
INSANITARY BUILDINGS POLICY

4.5 Access to Information
Information will be on the LIM. The requirements of the Local Government Official Information and Meetings Act 1987, and Local Government Act 2002 will be met.

4.6 Economic Impact of the Policy
The Council receives approximately five complaints a year about insanitary buildings. At this level, and having in mind not all complaints are upheld, the economic impact of the policy is considered to be negligible.

4.7 Heritage Buildings
Heritage buildings will have to comply with this policy.

4.8 Priorities
Priorities will be assigned by risk. Generally, because the number of insanitary building complaints is few, a high priority is assigned to the matter. High priority will be given where immediate action is required to secure and fix insanitary conditions.

Where immediate action is not required, Council action will be subject to the timelines of any notice.

5 Links to legislation, other policies and community outcomes
Local Government Official Information and Meetings Act 1987
Local Government Act 2002
Building Act 2004
S-CP 0430 Dangerous Buildings Policy

Community Outcomes:

There is a safe environment for all
- Harm to people from natural and manmade hazards is minimised

The distinctive character of our towns, villages and rural areas is maintained
- The centres of our main towns are safe, convenient and attractive places to visit and do business

6 Adopted by and date
This policy was adopted by Council on 4 July 2006 and reviewed by the Resource Management and Regulation Committee on 17 May 2011.

7 Review
In accordance with s.132 (4) of the Building Act 2004 this policy will be reviewed at intervals of not more than five years or sooner by resolution of Council.
DANGEROUS AND INSANITARY BUILDINGS POLICY

1 Introduction
Section 131 of the Building Act 2004 (the Act) requires Territorial Authorities to develop a policy on dangerous and insanitary buildings. The Act defines dangerous and insanitary buildings as follows:

Meaning of Dangerous Buildings (section 121)

A building is dangerous for the purposes of this Act if, –

(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause –
   (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
   (ii) damage to other property; or
(b) in the event of fire, injury or death to any person in the building or to persons on other property is likely.

Meaning of Insanitary Buildings (section 123)

A building is insanitary for the purposes of this Act if the building –

(a) is offensive or likely to be injurious to health because-
   (i) of how it is situated
   (ii) it is in a state of disrepair; or
(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
(c) does not have a supply of potable water that is adequate for its intended use; or
(d) does not have sanitary facilities that are adequate for its intended use.

The policy is required to state:
- the approach that the Waimakariri District Council will take
- the priorities in applying the policy
- how the policy will apply to heritage buildings.

2 Policy Context
Notice of dangerous and insanitary buildings usually comes to the Council as a complaint, commonly by tenants or neighbours, and also by inspection or observation by Council staff. Often the building state is a result of an unconsented conversion such as turning a garage into a second dwelling.

3 Policy Objective
The purpose of the policy is that Council will be pro-active to:

- Respond to and investigate all building complaints;
DANGEROUS AND INSANITARY BUILDINGS POLICY

- Identify from these complaints any buildings that may be dangerous or insanitary;
- Notify the owners of the building to take action to reduce or remove the danger or prevent the building remaining insanitary;
- Liaise with the New Zealand Fire Service when appropriate in accordance with section 121(2) of the Act for the purposes of determining whether a building is dangerous;
- Liaise with the Medical Officer of Health as required. This is especially the case if occupants are considered neglected or infirm.

4 Policy Statement

4.1 Assessment Criteria

Assessment will be made in accordance with sections 121 and 123 the Building Act 2004. Assessment will include:
- if the building is occupied;
- the use of the building;
- if the building is likely to cause injury or death to people;
- if the building is likely to damage other property;
- if the building condition present a danger to the health of occupants;
- if the building constitutes a fire hazard.

4.2 Taking Action on Dangerous and Insanitary Buildings

The Council will:
- Notify the owner, or the owner’s agent, of the building if it is found to be dangerous or insanitary;
- May request a report from the New Zealand Fire Service;
- Attach a notice to the building requiring work to be carried out within a time stated to be not less than 10 working days, to reduce or remove the danger or prevent the building from remaining insanitary;
- Give copies of the notice to the owners, owner’s agent, occupiers and every person who has an interest in the land, and if the building is a heritage building, to Heritage New Zealand;
- Contact the owner, or the owner’s agent, at the expiry of the time period set down in the notice to that access to the building can be gained to assess compliance with the notice;
- Determine if enforcement action should be pursued under the Act if the requirements of the notice are not met.

If immediate action is required, the Council will:
- cause action to be taken to remove the danger or fix the insanitary conditions, which may include excluding people from the building;
- take action to recover all costs from the owner, or the owner’s agent;
- inform the owner, or the owner’s agent, that the amount recoverable by the Council will become a charge on the land on which the building is situated.
DANGEROUS AND INSANITARY BUILDINGS POLICY

4.3 Record-Keeping
Any building identified as dangerous or insanitary will have a note placed on the property file.

The Land Information Memorandum (LIM) will note that:
- the building is dangerous or insanitary;
- include a copy of the notice;
- include any report on how the matter is to be rectified.

4.4 Access to Information
Information will be on the LIM. The requirements of the *Local Government Official Information and Meetings Act 1987*, and *Local Government Act 2002* will apply.

4.5 Heritage Buildings
Heritage buildings will comply with this policy.

4.6 Priorities
Priorities will be assigned by risk. Generally, because the number of dangerous and insanitary building complaints is few, a high priority is assigned to these complaints.

Priority will be given where immediate action is required to remove danger and fix insanitary conditions. Where immediate action is not required, Council action will be subject to the timelines of any notice.

5 Links to legislation, other policies and community outcomes
*Local Government Official Information and Meetings Act 1987*
*Local Government Act 2002*

Community Outcomes:

*There is a safe environment for all*
- Harm to people from natural and man-made hazards is minimised and our district has the capacity and the resilience to respond to natural disasters.

*The distinctive character of our towns, villages and rural areas is maintained*
- The centres of our main towns are safe, convenient and attractive places to visit and do business.

6 Adopted by and date
Adopted by the Resource Management and Regulation Committee on 19 July 2016.

7 Review
In accordance with section 132 (4) of the *Building Act 2004* this policy will be reviewed within five years from adoption, or sooner by resolution of Council.
1. SUMMARY

1.1. The purpose of this report is to seek the Committee’s endorsement of a submission to the Department of Internal Affairs in response the Review of Class 4 Gambling Discussion Document of June 2016.

1.2. The deadline for a response to the Discussion Document is 12 August 2016.

1.3. The objectives of the review are to look at:

- the long-term sustainability and effective allocation of funding to communities without driving a growth in gambling;
- whether the Gambling Act 2003 is still fit for purpose;
- whether the sector can be regulated more cost-effectively;
- preventing and minimising harm from gambling.

1.4. The attached draft Council submission notes that since the advent of the Gambling Act 2003 gambling expenditure in New Zealand has reduced substantially, which would seem to indicate the legislation is fit for purpose.

1.5. The draft submission also points out that the statutory obligations placed on Local Government to administer the Gambling Act 2003, including authorising venues, adopting and reviewing policies, and undertaking social impact assessment, are costs borne by ratepayers, whereas in 2015 the Department of Internal Affairs collected $25,112,600 (3.07% of $818 million in 2015) in fees from the proceeds of gaming machines for administering the Gambling Act 2003.

Attachments:

i. Draft Council submission in response the Review of Class 4 Gambling (TRIM No 160701063013)

ii. Review of Class 4 Gambling Discussion Document (TRIM No 160628061412)

2. RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Receives report No.160701063210
(b) **Endorses** the submission for Council approval on 2 August 2016, or

(c) **Approves** the submission for immediate dispatch to the Department of Internal Affairs, or

(d) **Tables** the submission for further consideration and **Authorises** the chair of the Resource Management and Regulation Committee to approve changes to the submission before dispatching prior to the deadline of 12 August 2016.

### 3. ISSUES AND OPTIONS

3.1 The Review of Class 4 Gambling Discussion Document was promulgated in June 2016 to seek public input into the framework for managing Class 4 gambling, and to see if it remains fit-for-purpose. Between 2004 and 2015 expenditure on gaming machines decreased from $1,328 million to $818 million in inflation-adjusted real terms.

3.2 This decrease in expenditure since the advent of the *Gambling Act 2003* indicates that the legislation is doing its job in meeting its purposes in both controlling the growth of gambling and minimizing harm from problem gamblers.

3.3 Section 9 of the *Gambling (Problem Gambling Levy) Regulations 2016* charge gaming machine operators a monthly levy, the proceeds of which reimburse the Crown for the costs of the Ministry of Health implementing one of purposes of the *Gambling Act 2003* of preventing and minimising harm from gambling. This levy is also used to fund the costs of scientific research and longitudinal studies on the social and economic impacts of gambling. This levy to fund research is supported in the draft Council submission.

3.3 As well as the proceeds from the Problem Gambling Levy, Central Government also receive fees from the proceeds of gaming machines for administration and licensing. In 2015 the Department of Internal Affairs received over $25 million in fees for its role in regulating gaming machines.

3.4 The *Gambling Act 2003* also places statutory obligations on Territorial Authorities to authorize the location of gaming machine venues (sections 98-100), adopt and review every three years a Class 4 Venues Policy (sections 101 and 102), conduct Special Consultative Procedures (section 102 (2)), and consider the social impacts of gambling in the Districts (section 101(2)). The costs for meeting all of these statutory obligations are met by ratepayers.

3.5 While the *Gambling Act 2003* is designed to have both a Central Government regulatory role and an enabling process for local communities to be more involved in the decisions on the availability of gambling in their districts, this balance is not extended to cost-sharing arrangements when distributing the proceeds of gaming machine expenditure, and paying for the costs of administering the Act.

3.6 Other points in the draft submission suggest changing the statutory review period of Class 4 Venue Policies (and the Board Venue Policies under the *Racing Act 2003*) from three years to five years, which would bring a five year review period into line with statutory policies under the *Building Act 2004* and bylaw reviews under the *Local Government Act 2002*, and suggest changing Territorial Authority consent for new premises from in-perpetuity to a time-bound period.
4. **COMMUNITY VIEWS**

4.1 Community views on Council’s draft submission have not been sought, however the opportunity is available for community groups or individuals to make their own submission on the Discussion Document.

5. **FINANCIAL IMPLICATIONS AND RISKS**

5.1 Since the advent of the *Gambling Act 2003* this Council has borne its own costs in meeting the statutory obligations of the Act, including adopting a Class 4 Gambling Policy in 2004 following a wide-ranging Special Consultative Procedure and an elected representative working party, authorising the location of Class 4 gambling venues, reviewing the Class 4 Venue policy in 2006, 2010, 2013 and 2016, and conducting a social impact assessment in 2010.

5.2 Advocating just cost-sharing arrangements with Central Government from both the Problem Gambling Levy and the proceeds from gaming machine expenditure may result in reducing the financial burden of administering the *Gambling Act 2003* on ratepayers in the District.

6. **CONTEXT**

6.1. **Policy**

This matter is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

6.2. **Legislation**

*Gambling Act 2003 – sections 98 to 103*

6.3 **Community Outcomes**

*There is a safe environment for all*

- *Harm to people from natural and man-made hazards is minimised*

Geoff Meadows – Policy Manager
In the Matter of
The Review of Class 4 Gambling
Discussion Document (June 2016)

Submission by
Waimakariri District Council

6 July 2016

Person for Contact: Geoff Meadows (Policy Manager)
1 Introduction

The Waimakariri District Council welcomes the opportunity to submit on the Review of Class 4 Gambling Discussion Document (June 2016). The Council notes that since the advent of the Gambling Act 2003, gambling expenditure from Class 4 gaming machines has substantially reduced, which seems to indicate the Act is doing its job, and that the purposes of the Act to control the growth of gambling and minimise harm from gambling are being fulfilled.

This Council first adopted a Gambling (Class 4) Venue Policy as required under section 101 of the Act in April 2004 following a wide-ranging Special Consultative Procedure and managed by an elected representative working party. The policy was first reviewed in 2007, again in 2010 following a comprehensive Social Impact Assessment, and again in 2013 and 2016. The incidence of Class 4 gaming machines in this District has been trending down since the advent of the Gambling Act 2003 as the graph below demonstrates.

![Incidence of Class 4 Gambling Machines (Pokies) and Venues in Waimakariri District since 2004](image)

2 Specific Points of Submission

2.1 Gambling Act 2003 still fit for purpose

It is noted that there is inherent conflict between some of the purposes on the Gambling Act 2003, particularly the tension between the purposes to control the growth of gambling and minimise harm, and the purpose of generating funds for community benefit. It is refreshing the Discussion Document acknowledges this tension and that this approach was deliberate to encourage balance in decision-making. As a first principle, this Council considers the Act is still fit-for-purpose.

2.2 Minimising Harm from gambling

The independent scientific research on gambling, including longitudinal studies, is an important monitor of assessing social impact, and the regulations requiring levy payments for this research to continue, are fully supported.

2.3 The Role of Local Government

The second paragraph on page 12 of the Discussion Document under the heading of the Role of Local Government makes a comment that Councils have to go through a consultation process as per the Local Government Act 2002 when reviewing their Class 4 Venue Policy, however this does not seem to be a requirement for the review of a policy under section 102 of the Gambling Act 2003. Certainly the Special Consultative Procedure is required when adopting, amending or replacing a policy, but the Act does not seem to place this requirement on Territorial Authorities when conducting the three yearly review and when the policy is continuing unchanged.
Section 102 (5) of the Gambling Act 2003 requires Territorial Authorities to review their Class 4 Venue Policies every three years. This review interval is out of kilter with policies required under the Building Act 2004 (every five years), the review of new bylaws (every five years), and the review of ongoing bylaws (every ten years). It is recommended that the review period for Class 4 Venue Policies (and the review of Board Venue Policies under the Racing Act 2003) is amended to be reviewed every five years. This Council has a standard review period for all Council policies every six years.

Council’s consent for the establishment of a new venue under section 100 of the Gambling Act 2003 is not currently time-bound. Venues are permitted in perpetuity, and while Councils can authorize additional venues, they cannot reduce that number. There could be good reasons why the consent needs to be withdrawn, such as the new location of sensitive facilities, including kindergartens or churches, that are not adequately covered in the relocation provisions of section 97A. Towns change, and the granting of a consent in perpetuity is not appropriate, particularly in areas of rapid urban growth. It is recommended that a Council consent is limited to a time period of say, ten years, so that the suitability of the location of the consented premises can be periodically evaluated.

Section 101(2) of the Gambling Act 2003 certainly places an obligation on Territorial Authorities to consider the social impact of gambling in their Districts. Social Impact Assessment, if done well and with scientific rigour, is resource hungry. The costs to local government in undertaking an assessment of the social impact of gambling is not canvassed in the Discussion Document, and there has not been an adequate exploration of how Territorial Authorities are to fund this obligation placed on them by section 101(2) of the Act. Given that the Department of Internal Affairs collects over 3% of gaming machine proceeds in administration fees, consideration should be given to funding Local Government to fulfil its obligations under the Act, including not only conducting social impact assessment, but also in meeting its obligations for policy development and review, administration of granting consents, and using the Special Consultative Procedure as required under section 102(1) of the Act.

3 Conclusion

The structure of the Gambling Act 2003 strikes a workable balance between Central Government oversight and regulation, and local communities’ capacity to have a say on how many Class 4 venues there should be, and where they should be located. The two stage approval process with firstly, a Local Government consent, and secondly a Central government licence, is a sensible balance in maintaining national consistency and local involvement. The practical out-workings of this balance however should extend to cost-sharing arrangements with Local Government, so that the proceeds of gaming machines for the administration of the Act is spread proportionately between Central Government and Territorial Authorities. It is not acceptable that the costs to Local Government of administering gambling in New Zealand is born by ratepayers.
Discussion Document: Review of Class 4 gambling

Department of Internal Affairs
June 2016
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**Glossary of abbreviations and terms**

**Actual, reasonable and necessary costs**

*Actual* – the society and venue operator must be able to show that the costs were actually incurred; *Reasonable* – the costs must be in proportion to the size of the operation, and should take into account normal market values or prices for the goods and services provided; *Necessary* – the costs must be necessary to the conduct of gambling and legal compliance.

**Apply**

Where a society spends its net proceeds directly on the society’s own authorised purpose.

**Authorised purpose**

Means a charitable purpose, or a non-commercial purposes that is beneficial to the whole or a section of the community, or promoting, controlling and conducting race meetings under the Racing Act 2003, including the payment of stakes.

**Class 4 gambling**

Gambling where the net proceeds are applied to or distributed for authorised purposes; where no commission is paid to, or received by, a person for conducting it; where it satisfies the relevant game rules; and it utilises a gaming machine.

**Clubs**

Voluntary association of persons combined for a purpose other than personal gain.

**Community or Communities**

The beneficiaries of grants from class 4 and other modes of gambling. Thousands of grants to community groups, schools, sporting organisations and other beneficiaries are made each year from class 4 alone, as well as from other sources of gambling. Some grants are made to national bodies or sporting codes.

**Distribute**

Where a society makes a grant to another person for that person to spend on an authorised purpose.

**Duty**

Tax paid to the Crown on gaming machine profits.

**Fees**

Fees paid by gambling operators to the Department of Internal Affairs.

**Gaming machine profits (GMP)**

The turnover of class 4 gambling minus the total prizes paid.

**Gross proceeds**

The turnover of class 4 gambling, less prizes, plus interest or other investment return on that turnover, plus any gain above the book value from the sale or disposal of gambling assets.
<table>
<thead>
<tr>
<th>Levy</th>
<th>Problem gambling levy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rate of return</td>
<td>This is the minimum amount of proceeds that a licence holder must distribute for authorised purposes and is currently equivalent to 40 per cent of GST exclusive gross proceeds per financial year</td>
</tr>
<tr>
<td>Net proceeds</td>
<td>The amount remaining to be distributed to authorised purposes, which is calculated by taking a society’s gambling turnover (less prizes) and adding interest or other investment return, and any gains from the sale of gambling assets above their book value, then deducting costs, levies and taxes, asset depreciation and any loss from selling or disposing of gambling assets below their book value</td>
</tr>
<tr>
<td>Society</td>
<td>A society that is incorporated under the Incorporated Societies Act 1908, or incorporated as a board under the Charitable Trusts Act 1957, or a company incorporated under the Companies Act 1993 that does not have the power to make a profit and is incorporated solely for authorised purposes, or a working men’s club registered under the Friendly Societies and Credit Unions Act 1982</td>
</tr>
</tbody>
</table>
What is this consultation document about?

This discussion document seeks your views on how community funding from class 4 gambling (pokies in clubs, pubs and bars) can be sustained into the future. Class 4 gambling expenditure has declined since the passing of the Gambling Act 2003, leading to a consequent decrease in funding to communities.

We want your opinion on what the issues and challenges are for the class 4 sector and community funding, and ideas on how things might be improved. We are also seeking ideas for a cost effective regulatory model for the sector that maximises community funding into the future, without increasing harm or driving a growth in gambling.

We are also taking this opportunity to seek views on the future of online gambling in New Zealand.

The Department has had initial conversations with a number of stakeholders about the challenges and opportunities in the sector. Some of their comments have been reflected in this document.

Sending us your submission

Please send your submission to the Department of Internal Affairs by Friday 12 August 2016.

Please note that all submissions may be made publicly available. Even if you request confidentiality, we may have to release your submission at a later date if a request is made under the Official Information Act 1982. In your submission please highlight the information you would prefer was withheld should a request be made.¹

Your submission can be sent in the following ways:

Email: gamblingreview@dia.govt.nz

Post: Safer Communities Team

Policy Group

Department of Internal Affairs

PO Box 805

Wellington 6140

Although all reasonable steps have been taken to ensure the accuracy of the information contained in this document, the Department of Internal Affairs disclaims responsibility for any inaccuracy in relation to the information; and fully excludes liability of any kind to any person or entity that chooses to rely upon the information.

¹ While you may indicate the information you would like withheld, it can only be withheld if it meets the relevant criteria under the Official Information Act 1982.
Why are we doing this review?

The Government is reviewing the framework for managing class 4 gambling to see whether it remains fit-for-purpose. Class 4 gambling provides valuable grant funding to communities (approximately $260 million last year). Since the enactment of the Gambling Act in 2003, a combination of factors have led to a decrease in class 4 gambling expenditure, and a decline in funds being available for distribution to communities.

Gaming machines were introduced to New Zealand in the late 1980s. As shown in Figure 1 below, there was huge growth in expenditure on gaming machines\(^2\) in the late 1990s and early 2000s, compared with other forms of gambling. This rapid growth created many issues and prompted a review of gaming machines, resulting in the Gambling Act 2003. A decrease in expenditure on class 4 gambling can be seen from 2004 onwards.

Between 2004 and 2015, expenditure decreased from $1,328 million to $818 million in real (i.e. inflation-adjusted) terms. The decrease in class 4 expenditure is the reason why total expenditure across all main forms of gambling decreased over this period.

Funding to community organisations from non-club societies reduced from $389 million in 2004, to $262 million in 2015\(^4\) in real terms, a decline of 33 per cent. Community funding from class 4 gambling has been relatively stable in recent years.

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\(^2\) Represented here as gaming machines located outside casinos.

\(^3\) Inflation adjusted expenditure is based on CPI adjustments using June 2015 as index point and working backwards using adjustments from Statistics NZ. Figures are GST-inclusive.
Class 4 expenditure has increased since 2014 and there are signs that the sector is stabilising, and is more mature. Improving economic conditions and population growth are likely to have driven some of this growth. However, the future of the sector and the sustainability of community funding remains uncertain, due to factors explored later in this discussion.

**Objectives**

The objectives of this review are to look at:

- the long-term sustainability and effective allocation of funding to communities without driving a growth in gambling;
- whether the legislation is still fit-for-purpose;
- whether the sector can be regulated more cost-effectively; and
- preventing and minimising harm from gambling.

This discussion paper seeks your views on how to achieve the above objectives.

---

4 All funding figures are GST-exclusive
PART I: Overview of class 4 gambling

The purpose of the Gambling Act 2003 (the Gambling Act) is to:

- control the growth of gambling;
- prevent and minimise harm from gambling, including problem gambling;
- authorise some gambling and prohibit the rest;
- facilitate responsible gambling;
- ensure the integrity and fairness of games;
- limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling;
- ensure that money from gambling benefits the community; and
- facilitate community involvement in decisions about the provision of gambling.\(^5\)

There is potential for conflict between some of these purposes. This approach was deliberate, to encourage decision-making that balances the need to minimise the harm from gambling with the desire to generate benefits to the community from gambling money. In order to achieve these purposes, the Department undertakes gambling licensing, compliance and enforcement functions.

The Gambling Act classifies gambling based on the amount of money spent and the risk of problems associated with that type of gambling. The four classes are:

- Class 1: Small scale gambling where the prizes cannot exceed $500, and no licence is required. Examples of class 1 gambling include office sweepstakes.
- Class 2: Gambling where the person conducting the gambling is not paid, the gambling must be run by a society, and all the proceeds from gambling must be applied to an authorised purpose (a definition of authorised purposes can be found in the Glossary). Prizes may not exceed $5000, no more than $25,000 can be gambled in one session, and no licence is required.
- Class 3: Gambling where prizes awarded for the gambling activity can exceed $5000, may only be run by a society, the money must be raised for an authorised purpose, and a licence to operate is required. Examples are the national lotteries run by the Heart Foundation and Coastguard NZ.
- Class 4: Gambling activity involving the use of gaming machines outside of a casino, and may only be run by a non-club society or club to raise money for an authorised purpose. The gaming machines are found in clubs, like RSAs and bowling clubs, commercial venues, such as pubs and bars, and New Zealand Racing Board (TAB) venues.

Other major forms of gambling in New Zealand include Lotto New Zealand, betting on racing and sports, and casinos. The focus of this review is on class 4 gambling.

\(^5\) Section 3 of the Gambling Act 2003
Class 4 gambling

Class 4 gambling is gambling using non-casino gaming machines, also known as “pokies”. There are three types of class 4 societies. Non-club societies operate machines in separately owned pubs and bars. Club societies operate gaming machines from their own clubrooms. The New Zealand Racing Board also operates gaming machines in venues it owns or leases. All operators require licences from the Department.

Table 1 shows a summary of the sector as at 31 March 2016.

Table 1: Class 4 gambling sector by societies, venues and gaming machines, as at 31 March 2016

<table>
<thead>
<tr>
<th>Type of society</th>
<th>Number licensed</th>
<th>Licensed venues</th>
<th>Gaming machines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-club²</td>
<td>38</td>
<td>961</td>
<td>13,015</td>
</tr>
<tr>
<td>Club</td>
<td>254</td>
<td>263</td>
<td>3,259</td>
</tr>
<tr>
<td>Total</td>
<td>292</td>
<td>1224</td>
<td>16,274</td>
</tr>
</tbody>
</table>

Non-club societies own almost 80 per cent of the gaming machines operating in licensed venues. These societies also generate most of the gaming machine profits and grants returned to the community.

All Class 4 societies must apply or distribute their proceeds from gaming machines to authorised purposes. When applying for a licence, a non-club society (which distributes its funds) has to specify what authorised purposes it intends to raise money for. Non-club societies must then grant funds only to those purposes that are specified in their licence, which must be consistent with the purposes set out in their trust deeds or constitutions.

Authorised purposes for class 4 gambling are defined in the Gambling Act as⁷:

- a charitable purpose;
- a non-commercial purpose that benefits the whole or a section of the community; and
- promoting, controlling, and conducting racing meetings under the Racing Act 2003.

Class 4 structure

Clubs

Clubs own and host their gaming machines and mainly apply the money raised from their gaming machines to the club. Most clubs are non-profit organisations which are predominantly owned by their members.

Examples of clubs are RSAs, sports clubs and cosmopolitan clubs. Each club has an active membership that has the opportunity to be involved with sports and other social activities the clubs run. Members who gamble in the clubs are more than likely benefiting from the proceeds of their gambling.

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² Includes the New Zealand Racing Board.

Clubs are subject to gaming machine duty and the problem gambling levy. However, the application to authorised purposes and operating costs are different. Figure 2 shows the allocation of funds. Clubs also apply approximately $55 million per year to their own purposes and the wider community.

![Allocation of Club gaming machine proceeds](image)

**Non-club societies**

Non-club societies own gaming machines and reimburse pubs and bars for hosting the machines. Non-club societies must be non-commercial, and can be established in various corporate forms, including companies, trusts, charities, or incorporated societies. Non-club societies make their own decisions on how to run their operations and how they distribute their grants, within the constraints of the Gambling Act and its related regulations.

There are no limits on how many non-club societies can be licensed, as long as they meet the licensing requirements of the Gambling Act. This allows persons to establish societies to raise money through gaming machines for their chosen community cause. Non-club societies mainly distribute net proceeds from their gaming machines to community organisations that align with the societies’ authorised purposes. There are a small number of non-club societies that mainly apply their proceeds to their own authorised purposes (Youthtown for example).
Non-club society costs are mostly fixed and include gambling fees, gaming machine duty and a problem gambling levy. These make up around a quarter of all costs. Other costs include operating costs and a capped reimbursement payment of 16 per cent of gaming machine profits from gambling to venues that host the societies’ gaming machines. Societies are also required to distribute a minimum of 40 per cent of gambling proceeds by way of grants funding to communities. Figure 3 shows a breakdown of non-club societies’ costs.

**New Zealand Racing Board**

Under the Racing and Gambling Acts the New Zealand Racing Board (NZRB) has a statutory monopoly on terrestrial sports and racing betting services in New Zealand through the TAB. The Gambling Act also permits the NZRB to operate gaming machines at its TAB venues. Its venues are mainly used for racing and sports betting. The majority of funds generated by the NZRB’s gaming machines are applied under its racing authorised purposes and up to 20 per cent distributed to amateur sports.

The Minister for Racing is developing proposals to deal with online racing and sports betting activities. The proposals are relevant to the class 4 review as they will potentially increase overall gambling options for New Zealanders. This work is proceeding separately, though decisions on racing reform will be taken into consideration for this wider review.
Minimising harm from gambling

One of the purposes of the Gambling Act is to prevent and minimise harm from gambling, including problem gambling. Gambling can be a harmless form of adult entertainment that can provide positive social effects. However, gambling can also have adverse effects on many individuals, their families and their communities.

The main gambling providers in New Zealand must pay a problem gambling levy under the Gambling (Problem Gambling Levy) Regulations 2013. Casinos, non-casino gaming machine (class 4) operators, Lotto New Zealand, and the NZRB currently pay a problem gambling levy as specified in the Regulations.

The levy payments reimburse the Crown for the costs of the Ministry of Health to implement the Act’s purpose of preventing and minimising harm from gambling. This is part of the Ministry’s wider responsibility for the integrated problem gambling strategy described in the Act. This strategy must include:

- measures to promote public health by aiming to prevent and minimise harm from gambling;
- services to treat and assist problem gambling and their families and whanau;
- independent scientific research on gambling, including longitudinal studies on the social and economic impacts of gambling; and
- evaluation.

This strategy is updated every three years, and a new strategy has recently been published and is available on the Ministry of Health’s website.

Class 4 societies and venues which host gaming machines also have particular obligations under the Gambling Act to prevent and minimise harm from gambling. Most of these obligations can be found in the Gambling (Harm Prevention and Minimisation) Regulations 2004. For example:

- class 4 gambling operators must develop a policy to identify problem gamblers;
- staff managing a class 4 venue must take all reasonable steps to ensure that the policy is used to identify actual or potential problem gamblers;
- customers who are identified as problem gamblers may be issued an exclusion order. Customers can also request to be excluded from a venue.

Gambling inspectors from the Department will visit venues to check whether they meet the harm minimisation obligations in the Gambling Act. The Department can apply a range of sanctions, including revoking operating licences, if it believes gambling harm policies are not being implemented.

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8 New problem gambling levy regulations are due to come into effect on 1 July 2016.
9 Section 317(2) of the Act.
Problem gambling

Research tells us that harm related to problem gambling is more likely to affect people living in high deprivation neighbourhoods. Māori and Pacific peoples are more likely than the general population to develop problem gambling, and more likely to suffer gambling-related harm.

Estimates of problem gambling in New Zealand vary between surveys. Results from the comprehensive 2012 National Gambling Study indicate that approximately 0.7 per cent of the adult population of New Zealand are problem gamblers. This represents about 23,504 people with significant gambling problems. The National Gambling Study also found that 1.8 per cent of New Zealand adults, or 64,440 people, are moderate-risk gamblers. A further 5 per cent or 167,888 people are lower risk gamblers. More recent results for 2013 indicate a slight reduction in the prevalence of problem gambling (0.5 per cent), but no major change for 2014.

In terms of ethnicity, the 2012 National Gambling Study reported a prevalence of problem gambling for Māori of 2.3%, with 3.9% of Māori considered moderate-risk gamblers. For Pacific peoples, the prevalence of problem gambling was 1.6%, with 6.4% considered to be moderate-risk gamblers. For Asian peoples, the prevalence for problem gambling was 0.7% and 2.3% for moderate-risk gamblers. More recent results from 2013 and 2014, indicate that these ethnic groups continue to have similarly high rates of problem and moderate-risk gambling.

There is a significant association between the prevalence of problem gambling and average monthly expenditure. The prevalence of problem gambling is 13.1% for those who spend more than $500 on average per month on gambling. This is in comparison to a prevalence of 1.1% of problem gambling for those who spend $51 to $100 on average per month on gambling.

From 1985 to 1990, total gambling participation by adult New Zealanders increased from 85% to 90% and remained at this level up to the mid-1990s. From this point on participation declined to 80% at 2005, and has remained around this level. However, while total gambling participation has decreased, and risk factors for gambling harm have decreased (such as participation in multiple gambling activities), there has not been a significant decrease in the prevalence of problem or moderate-risk gambling since 2005.

Wider effects

In 2012, approximately 380,000 New Zealanders reported having gambling-related arguments, and about 260,000 reported having to go without something they needed or not paying bills because of another person’s gambling.

Harm from gambling can also include poor parenting, family violence, other crime, and suicide. These harms affect people other than the gambler.

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New Zealanders’ attitudes towards gambling

Research\textsuperscript{11} has shown that New Zealanders have a high awareness that gambling is associated with harm and that some forms of gambling are more harmful than others. Most participants in the research agreed strongly that more should be done to reduce harm from gambling.

Problem gamblers were much more likely to agree that there were too many non-casino gaming machine venues. There was also found to be some public support to further reduce gambling harm and the number of gaming machines available. Over 50 per cent of the participants considered non-casino gaming machines were socially undesirable.

Changes over time and risk factors

For the total adult population the prevalence for problem gambling and moderate risk gambling reduced significantly during the 1990s and has not changed significantly in the last decade. Some key risk factors for problem gambling improved in the years since 2011, including the proportion of people frequently engaging in more harmful continuous forms of gambling (e.g. gaming machines), those gambling weekly or more, and those engaging in multiple gambling activities.

The role of local government

The Gambling Act specifies that a city council or district council (as listed in Schedule 2 of the Local Government Act 2002), must have a class 4 venue policy. A council’s venue policy sets out the rules around class 4 gambling in their districts. The aim of venue policies is to give local councils and the communities they represent a say in how class 4 gambling operates in their districts, in line with the Gambling Act’s purposes.

When establishing or reviewing their policies, councils have to go through a consultation process as per the Local Government Act 2002. This process allows for class 4 venue policies to reflect local factors and the differences between communities.

Class 4 venue policies must be updated every three years, and must include:

- whether class 4 gambling venues may be established in their district;
- if permitted, where venues may be located; and
- consideration of the social impact of gambling.

Class 4 venue policies may specify a restriction on the maximum number of gaming machines per venue, and may also include a relocation policy. Class 4 societies need consent from the territorial authority if they wish to establish a venue within that councils’ district. Class 4 societies have to apply for consent from territorial authorities when:

- increasing the number of gaming machines that may be operated at a class 4 venue;
- a society is applying for a class 4 venue licence and a licence has not been held by any society for the venue within the last 6 months; and

• a society proposes, in accordance with a relocation policy of the territorial authority, to change the venue to which a class 4 venue licence currently applies.

Once a council grants consent for the establishment of a new venue, the venue can apply for a licence from the Department. The Department then monitors the new venue for compliance with the Gambling Act 2003. Territorial authorities do not have the power to close a venue, and cannot revoke its consent. Only the Department can suspend or cancel a venue’s licence for non-compliance.

Some councils have a “sinking lid” policy. This usually means that the council concerned is trying to decrease the number of gaming machines and class 4 venues in its district. A sinking lid policy includes a ban on any new gaming machines or venues in a district. Councils can also have caps of the number of venues and/or gaming machines in their districts. Other councils, however, allow for growth in gaming machine numbers and/or venues within their districts.

Under section 101(2) of the Gambling Act, councils must consider the social impact of gambling in their districts when developing a class 4 venue policy. This can include the impact of harm from gambling, as well as the impact of funds going back to community groups in the form of grants. Councils do their own research on the social impacts of gambling in their districts. Information can also be provided by the community, problem gambling treatment providers, and class 4 gambling societies, through the consultation process.

Community funding

The community funding aspect of the “pokie” system is unique to New Zealand. In most other jurisdictions gambling is a “for profit” activity. The class 4 sector returns about $260 million per year to communities in the form of grants funding (in addition to tax and duty payments to government).

Depending on its structure, a class 4 society can apply or distribute funds to the community. The funds must be applied or distributed within a set timeframe, which is currently set at 12 months. Non-club societies are required, through regulations, to distribute a minimum of 40 per cent of their GST-exclusive gross proceeds\(^\text{12}\) to authorised purposes. Clubs, through licence conditions, are required to apply up to a minimum of 37 per cent to authorised purposes.

The funding for community organisations from the other main forms of gambling (excluding casinos) has increased since 2004, which has resulted in community funding remaining relatively stable overall. The total community returns from the gambling sector decreased by only three per cent over 2004 to 2015 in real terms (from $619 million to $603 million\(^\text{13}\)). In the 2013/14 year, class 4 societies provided approximately 40 per cent of the total amount distributed for community purposes (using the description of ‘community’ broadly in this context).

\(^\text{12}\) Gross proceeds are Gaming Machine Profits plus all other income of a society (for example interest on bank deposits, or from sale of unwanted gaming machines).

\(^\text{13}\) Total excludes distributions by clubs to their own purposes.
While there are exceptions, in general class 4 funding to the community distributes smaller funding amounts within local communities (e.g. local sports clubs, kindergartens, community organisations), whereas community funding from other classes of gambling (e.g. the Lottery Grants Board) is distributed in larger amounts on more of a national or regional basis. Therefore, while other forms of gambling kept the overall pool of funding to the community stable, the overall distribution of funds has probably shifted away from local communities. While class 4 gambling provides more local community funding, it also comes with the highest risk of harm with respect to problem gambling, compared with other forms of gambling.

**Regulatory changes already occurring in the sector**

A number of recent amendments to the Gambling Act and changes to regulations will have impacts on the sector in the near future. Recent changes include:

- increasing the fees gambling operators pay to fund the regulatory activity of the Department;
- the introduction of a simpler non-club venue payment regime (which should reduce compliance costs for the regulator, non-club societies and venues); and
- the cancelling of scheduled increases to the minimum rate of return to authorised purposes for non-club societies. The rate of return is now fixed at 40 per cent of GST-exclusive gross proceeds.

Other non-regulatory initiatives are also underway, including: work to strengthen the licensing requirements for new class 4 societies; the capacity to audit management companies; and potential for lower regulatory oversight around highly trusted operators (such as through the use of three-year society licences).
PART II: Factors influencing the class 4 sector

This paper seeks your feedback on a range of factors within the class 4 sector that may affect the sustainability of community funding. These are listed below, along with some questions for your consideration.

Legislative restrictions on the class 4 sector

A purpose of the Gambling Act is to control the growth of gambling, and it sets up a highly prescriptive regime under which class 4 societies can operate. The Act also states that class 4 societies must maximise returns to communities, while minimising operating costs.

The Gambling Act was a deliberate response to a sector that had grown rapidly through the 1990s. By early 2003, there was a widespread perception of an oversupply of gaming machines, with an excess of 25,000 machines in operation, owned by more than 100 societies. This was a very high rate of machines per person compared to other jurisdictions. The legal framework was considered fragmented and not fit-for-purpose, and lacked measures to address harm from gambling. There was widespread community dissatisfaction with this rapid growth, and the inability of communities to have a say on how many class 4 venues there should be, and where they should be located.

This rapid growth and perceived oversupply in the sector prompted the development of the Gambling Act. The new legislation established policies to prevent and minimise harm from gambling, and enabled local communities to be more involved in decisions on the availability of gambling in their districts. Since its implementation, the sector has shrunk in terms of the number of class 4 societies, gaming machines, venues, gaming expenditure and the amount of funds being returned to communities.

The Gambling Act and associated regulations place many restrictions on the class 4 sector in light of the potential for harm from class 4 gambling. These restrictions limit class 4 societies’ ability to adapt their operations over time. For example, non-club societies who establish new gambling venues are only allowed a maximum of nine gaming machines, but non-club venues that existed before the Gambling Act were allowed 18 machines as part of ‘grand parenting’ arrangements. Machine numbers are also capped per venue, rather than, for example, nationally.

As noted on page eight, the class 4 sector’s costs are highly regulated, particularly for non-club societies. After all mandatory costs are subtracted, about 17 per cent of gaming machine profits remains for non-club societies to run their operations, for example, administering the grant-making process, depreciation costs, salaries, and office rent. This leaves non-club societies with little room to invest in other parts of their business that might lead to better overall outcomes, for example, improved grant making processes.
The Gambling (Harm Prevention and Minimisation) Regulations 2004 also impose various controls on the class 4 sector. Requirements in these regulations include:

- limits on stakes and prizes, including a limit on jackpots of $1000 for a single play on a gaming machine;
- gaming machines must display certain messages, including information about the odds of winning a game, the duration of a player’s session, and the amount a player has spent in a session;
- gaming machines must have features that interrupt play;
- venues cannot advertise jackpots; and
- venues are required to provide information about problem gambling and how to seek help or advice.

Another restriction on class 4 gambling is the inability to offer online gambling options. In New Zealand, only Lotto NZ and the NZRB are currently allowed to offer forms of online gambling.

Questions:

- Given the changes in the sector since 2003, are the purposes of the Gambling Act still fit-for-purpose?
- Do you think the recent stabilisation of class 4 gambling expenditure is due to economic/population changes or changes within the class 4 sector (or both)?
- Do you think any changes should be made to the requirements on the class 4 sector? If so, what changes?
- What would the impact of any changes be on the responsibility to prevent and minimise harm from gambling?
- Do the provisions in the Act go far enough in ensuring funds to communities are maximised?

The role of local government through local venue policies

One of the purposes of the Gambling Act is to facilitate community involvement in decisions about the provision of gambling. Local class 4 venue policies allow councils and their communities the opportunity to have a say in where class 4 venues are located in their districts, and whether more gaming machines and/or venues can be established.

Class 4 venue policies vary across the 67 different councils (regional councils are not required to have venue policies), and can reflect differences between communities. For example, some councils do not allow any new venues to be established in their districts, whereas other allow new venues, but only in certain areas.

Councils must review their class 4 venue policies every three years. The review process provides the opportunity for the community to provide information to the council on how gambling and the councils’ venue policy are affecting the district. This could be information about the benefits from grants to community groups, or about gambling-related harm.
Under class 4 venue policies as at 2013, 64 per cent of councils allowed new class 4 venues and gaming machines, with 36 per cent allowing no new venues or gaming machines. Councils have to update their venue policies every three years. Councils last reviewed their policies in 2013, and many are currently going through the process of reviewing their policies for 2016.

A council must also consider whether to include a relocation policy, but it is not mandatory. About half of all councils have a relocation policy, which sets out if and when a council will grant consent to a venue to move to a new location, where the venue already holds a class 4 licence. For example, if a class 4 venue operator rents a building, and the landlord does not renew the lease, the venue operator will need to move to a new venue. If a council has a relocation policy, the venue operator can move to a new venue in accordance with the policy. If the council does not have a relocation policy, the venue operator may not be able to move to a new venue and would have to cease operating as a class 4 venue.

Questions:

- What should the role of local authorities be in balancing the benefits of class 4 funding to their communities with the potential negative impacts?
- Are there any requirements in the Gambling Act related to venue policies that should be changed? If so, which requirements?
- Is requiring councils to review their venue policies every three years a good policy? Should there be more or less time between reviews?
- How have local venue policies impacted on both problem gambling and the sustainability of community grants from class 4 gambling?

The Department’s regulatory functions and the cost of regulating gambling

The Department has responsibility for regulating the class 4 environment under the Gambling Act and its associated regulations. This includes regulating the non-club sector, comprising 38 non-club societies, about 960 non-club venues and $261.9 million in grant funding (in 2014/15). Regulatory activities include:

- Non-club societies have to apply to the Department for a gambling licence. Currently a society must re-apply for a licence every year.
- The Department monitors the amount of funds non-club societies return to communities to check that it reaches the minimum required under regulations.
- Gambling inspectors inspect venues to check they are operating according to the Gambling Act, including the venue’s responsibilities around harm minimisation.

Other regulatory activities include efforts to reduce theft and fraud, minimise harm from gambling and maximise returns to the community.
The cost of regulating the non-club sector is approximately $14 million per annum (GST exclusive). These costs are met by charging fees to gambling operators, which amount to approximately 3 per cent of gaming machine profits from non-club societies. Two-thirds of the Department’s fees revenue comes from fees tied to the number of gaming machines in the class 4 sector.

Non-casino gambling fees increased on 1 February 2016. Prior to this, fees had not been reviewed since 2007. When the fees were set on 1 February 2008, it was assumed the number of gaming machines would not reduce below approximately 20,000. At 30 March 2016, there were 16,274 gaming machines operating in the class 4 sector. This has resulted in the revenue from gaming machines decreasing by 20 per cent since 2008. This has meant that the Department had been under-recovering its costs of regulating class 4 gambling, this under recovery has led to a deficit in the Department’s gambling memorandum account of $12.9 million at 30 June 2015.

The recent increase in fees addresses the Department’s operating deficit and reduce the deficit in the memorandum account. However, machine numbers are still decreasing, and the long-term sustainability of a funding model based on gaming machine numbers remains questionable. There are also other cost pressures facing the Department, including:

- the operation and maintenance of the Electronic Monitoring System for class 4 gaming machines;
- development and depreciation costs for the Integrated Gambling Platform to assist with regulating the industry; and
- general cost pressures, Departmental overheads and capital charges.

Questions:

- What influence do the Department’s regulatory functions and operational policies have on the sustainability of funding to communities?
- Do you think the cost of regulating the class 4 sector is reasonable?
- Are there ways of effectively regulating the sector at less cost?
- What areas should the regulator focus on to reduce unwanted/illegal behaviour and problem gambling rates?
- Are there more efficient methods of recovering costs from the class 4 sector than the current gaming machine-number based model?

Problem gambling

Non-casino gaming machine participation decreased from 28 per cent in 1990, to 18 per cent in 2000, and 14 per cent in 2012. Risk factors (weekly or more participation) for total continuous gambling activities (which include gaming machines) also decreased during this period from 18 per cent in 1991, to 10 per cent in 1999, and 6 per cent in 2012.

There was a reduction in annual participation on gaming machines for pubs from 2012 to 2013 (8.9 per cent versus 11.5 per cent), but no change for clubs. There were no other changes up to 2014 for either pubs or clubs on monthly or annual participation.
Non-casino gaming machines

The harm associated with electronic gaming machines is higher than for most other forms of gambling. For example, the 2012 National Gambling Study found an odds ratio of 56.36 for the association of non-casino gaming machines and problem gambling compared to 4.39 for Lotto. This means the risk of problem gambling is significantly higher for non-casino gaming machines than for Lotto. Approximately 14 per cent of adults (462,140 people) report having gambled on non-casino gaming machines. It is estimated that 12.2 per cent of adults gambled on pub machines (402,722 people) and 5.7 per cent (188,157) on club machines.

In 2012, the prevalence of problem and moderate-risk gamblers amongst non-casino machine gamblers was 2.7 per cent (or 12,477 people) and 8.7 per cent (40,206 people) respectively. More recent results for 2014 indicate that electronic gaming machine gambling (casino, pub, club) increased the risk of developing gambling problems by 5 times. This suggests that the prevalence of moderate-risk and problem gambling associated with electronic machine gambling has not changed significantly since 2012. The specific prevalence results will be available later this year.

Figures for 2012/13, 2013/14, and 2014/15 indicate that approximately half of the number of people presenting to Ministry of Health-funded problem gambling intervention services for help identify non-casino gaming machines as causing them problems. This is by far the largest group of clients associated with a particular gambling mode, and has not changed significantly over this time period.

In 2015, gambling expenditure for non-casino gaming machines was $818 million. Based on annual self-reported expenditure, estimates from the 2012 and 2013 National Gambling Study suggest that approximately 50 per cent of total expenditure for this sector comes from the combined low risk/moderate/ problem gamblers, and approximately 30% of total expenditure comes from the combined moderate/problem gambling group. The figures for 2014 suggest these proportions have decreased slightly, however another year of data collection is required before this downward trend can be confirmed.¹⁴

Questions:

- What is your experience of any changes in harmful gambling behaviour over time?
- What is your view on the class 4 sector’s approach to problem gambling?
- Do you have suggestions for how problem gambling could be reduced or better managed, i.e. how can both the legislation and practice (e.g. compliance procedures, good host responsibility measures) be improved?

Non-club class 4 gambling sector

The sector has declined since 2003 in terms of numbers of class 4 societies, venues and gaming machines. Some say this has led to a mature and efficient sector, with the passing of the Gambling Act 2003 driving significant efficiencies into the sector. For example, there is now more money being spent on fewer machines. The introduction of a minimum rate of return of funds back to communities also led to further efficiencies. Participation rates for gambling on gaming machines have also decreased.

There are some advantages to the current number and diversity of non-club societies. It provides a “grass roots” funding model that is responsive and well connected to community needs. Grant recipients have noted they appreciate the fast turnaround of grant applications, and the ability to seek funding from multiple societies. However, having 38 societies also means that the system needs to support the operational costs of multiple organisations, and there is potential for a number of societies to compete for high turnover venues.

Questions:

- Do you think there are an optimum number of non-club societies, venues and machines that would maximise sustainable funds to the community, while minimising harm from gambling? What would this be?
- What criteria do you think should be considered to determine the optimum number of non-club societies?
- What are the advantages and disadvantages of a larger non-club sector versus a smaller non-club sector?
- What are the advantages/disadvantages of large vs small non-club societies?

Non-club venues and their relationships with non-club societies

Along with machine numbers, non-club venue numbers have decreased significantly since the introduction of the Gambling Act in late 2003. For instance, in June 2005, there were 1,801 non-club venues in the sector. There are now 961. Other factors have also impacted on the decrease in venue numbers. For example, the banning of smoking in pubs and bars, the Sale and Supply of Alcohol Act 2012, and amended drink driving limits have had an impact on the wider hospitality sector.

Non-club societies need venues to host their gaming machines in order to generate net proceeds for distribution to communities. Non-club venues that host gaming machines are reimbursed for the cost of hosting them. This system can create competition between non-club societies for venues, especially high turnover venues, as they generate more funds for non-club societies to distribute. This can, in some cases, result in risks of venues using venue market power to effect ‘grant capture’, or improper inducements to attract a venue. For example, a venue hosting the gaming machines of a particular non-club society may have expectations that the society will give grants to groups associated with the venue owner.
The Government recently agreed to a new non-club venue payment regime, which will be in operation from October 2016 and be based on commission. The commission will be calculated as no more than 1.28 per cent of venue turnover on a weekly basis, and not exceed an annual limit of 16 per cent of gross gambling machine proceeds, excluding GST, per non-club venue. This model aims to be more fair and transparent, to remove some of the issues around competition for venues, and is likely to reduce compliance costs.

Some people have expressed concern that the new regime may incentivise some non-club venue operators to reduce or ignore their responsibilities with respect to prevention and minimisation of gambling harm. This is because the greater turnover a venue has, the more they get paid. Conversely, other people consider that under the new system, non-club venues will be adequately funded to provide sufficient resources to increase supervision and manage their gaming environments better.

Questions:

- Do you think the relationship between venues and societies can create problems? If so, what problems and why?
- Are there alternative approaches to the venue/society relationship that may reduce these problems?
- Is competition for venues between societies desirable? Why?
- What changes in the commercial environment for venues may have implications for their ability to host class 4 gaming machines?

**Clubs**

Club societies are different to non-club societies because they host their own machines. Clubs also apply most of the funds from gaming machines to their club’s approved purposes. They are subject to the minimum rate of return regulations, but at a lower rate than non-club societies. Although not required to, some clubs do distribute some of their gambling proceeds back to the wider community.

Changing demographics and declining club memberships have led to many clubs struggling to survive. Therefore, unlike non-club venues, two or more clubs can merge into one entity. If two or more clubs want to merge, they have to become a single club that operates at a single class 4 venue. So two clubs cannot merge and then operate in multiple venues. The merging clubs can keep their gaming machines and move them to the new venue. However, the new number of machines cannot exceed 30.

Clubs have to apply for consent from their council if they want to merge. Clubs must then gain permission from the Minister of Internal Affairs to merge, and for any increase in the number of gaming machines to be hosted in one venue.

There is anecdotal evidence that the club sector is declining, with clubs closing and membership rates down because of changing demographics and consumer preferences. However, many clubs are adapting and merging into larger entities to remain financially viable, some very successfully.
Questions:

- How do you see the future of clubs and their operation of gaming machines? For example, how will demographic changes affect clubs’ membership?
- Should clubs be supported to remain sustainable? If so, how?

Class 4 funding to communities

Minimum rate of return

In order to gain a licence, the primary purpose of a class 4 society must be to raise funds for an authorised purpose. Non-club societies are required to return a minimum of 40 per cent of GST-exclusive gross proceeds to communities from class 4 gambling. In 2015, the average rate of return to communities by societies was 40.4\(^\text{15}\) per cent. A number of non-club societies are currently returning funds to the community above the minimum rate of return.

The minimum rate of return was set to rise in September 2016, but a recent Government decision has kept it steady at 40 per cent. This decision was made because non-club societies have recently faced increased cost pressures such as downloadable jackpots, changes to bank notes and increased gambling fees. Increasing the proportion of proceeds given back to communities on top of the increased cost pressures may have forced non-club societies to shed venues or exit the sector, which could have had a corresponding impact on the level of community funding available.

Questions:

- Is a minimum rate of return the best way to maximise funds to the community?
- If not, can you suggest alternative tools to a minimum rate of return to maximise community returns?
- Do you have any suggestions on how society costs could be lessened to improve the return to communities?

Grants Process

Apart from minimum requirements for grant application forms set out in the *Gambling (Class 4 Net Proceeds) Regulations 2004*, non-club societies are able to develop their own grant application processes. Some grant recipients have advised that some non-club societies have good application processes that are easy to follow. However, we are also advised that some non-club societies have lengthy and difficult application processes that could act as a deterrent to potential applicants that may not have the awareness, resources or knowledge to complete the application process.

There is also concern from some in the class 4 sector that not everyone in the community is aware that funding from class 4 proceeds is available, or they may not know how/be able to apply for it.

\(^{15}\) This is a provisional figure as the 2015 data is yet to be confirmed following audit and/or processing due to retrospective adjustments that societies can apply.
In order to try and make the process transparent non-club societies are required to publish information about all applications received, and whether or not the applications were accepted or declined.

Questions:

- What is your experience of the grants process (e.g. application, notification, etc)?
- Do you think the process is accessible for everyone?
- How efficient do you think the process is?
- How fair and transparent do you think the process is?
- Do you have any suggestions for change that would benefit the community’s ability to gain grants funding?

Distribution of grants funding

As mentioned above, non-club societies must distribute a minimum of 40 per cent of their GST-exclusive gross proceeds from their gambling operations to the community. For non-club societies, authorised purpose is:

- a charitable purpose; or
- a non-commercial purpose that is beneficial to the whole or a section of the community.

The definition of authorised purposes is broad, and allows non-club societies to decide how the community will benefit from the funding. Non-club societies can choose to have broad authorised purposes that benefit a wide range of community groups, or they can choose to have a narrower or single authorised purpose, where the funding benefits a particular group or area of the community.

Figure 4 illustrates the amount of community funding being allocated to different categories of organisations and groups within the community for the period 2006 to 2015. Amateur sports receives a high proportion of the funding – many people see this as good use of the funding as it is likely to reach grass roots organisations and children’s sport, and may encourage higher rates of participation in a wide range of sporting and recreational activities. Some organisations have suggested, however, that there are many other community needs that could benefit from a higher proportion of community funding.
Figure 4: Grants – Top Recipient Groups 2006-2015

As shown in Figure 5 below, over the last 10 years each grant recipient category listed has received a reasonably consistent percentage of the available community funding. Some areas have seen a slight fluctuation or an increase in funding over this time. However, racing has seen a decline in funding over the last five years.
Research on New Zealand attitudes to gambling in 2012 found that 64.5 per cent of participants were happy or largely happy (but with some doubts) about the distribution of funding. This was a similar figure to that expressed in a survey in 2005. Most people (85 per cent) were in favour of gambling proceeds going to the community, however they did not like the idea of gambling proceeds being used for business profits (74 per cent) or government revenue (73 per cent).

Questions:

- What are your views on the current legislative settings around societies’ authorised purposes?
- Do you think the funding from class 4 gambling is achieving the maximum impact for the community?
- If not, why and what could change?

Diverse community needs

In our discussions with the class 4 sector, some people voiced concern that class 4 funding is increasing inequalities in communities because significant expenditure on gaming machines is originating from low-deprivation areas, but is not necessarily going back to community organisations that support people living in those areas. There is a perception that the funding is delivering more benefits to middle-to-high income communities instead.
Some of the recipients of funding we talked to had concerns that community organisations in low-deprivation areas may not have the knowledge of the funding or the resources to apply for grants funding and therefore may be missing out. They noted that it took applicants a lot of time and energy to build up knowledge of the different non-club societies, the different purposes those non-club societies applied the funding to, and the different application processes.

In the past few years some non-club societies have been making an effort to ensure the funding is going back to the community it originated from; however this is not currently a requirement. We also understand that some non-club societies are providing support and guidance on the application process to people seeking funding.

National organisations have raised issues with non-club societies providing funding solely to local organisations, as they think that there are other ways to distribute funding to make sure it reaches communities. Currently many national and regional organisations apply for the funding and distribute it across the country to local offices or groups/clubs, or use it to develop coordinated national or regional approaches. Preventing national or regional bodies from applying for the funding could lead to unintended consequences such as local offices or groups missing out on funding because they are not set up to apply for it, or inhibiting coordinated national or regional approaches.

There are also some organisations that provide programmes on a national basis, but where people from all across the country can attend, benefiting a wide range of communities. If these national organisations missed out on being able to access the community funding then people who struggled to pay to go to these national programmes may miss out on the benefits.

Questions:

- Should societies return funds to the communities where they were generated? Why?
- Overall, do you think the distribution of funding is equitable?
- If not, why and what could change?
PART III: Online gambling

This section covers issues wider than the review of class 4 gambling. We are taking the opportunity to find out how people feel about online gambling across all classes of gambling and its future in New Zealand. Please note that the Department is currently undertaking a project relating to offshore racing and sports betting. The Department will make sure that the two pieces of work complement each other as much as possible.

Currently there are two providers of online gambling in New Zealand, the NZRB offers online racing and sports betting including live sports betting (through the TAB), and the New Zealand Lotteries Commission (Lotto NZ) sells some of its products online. It is illegal under the Gambling Act 2003 to organise, manage, or promote any other source of online gambling (referred to in the Act as ‘remote interactive gambling’) in New Zealand.

Both Lotto NZ and the TAB provide a range of online gambling products, and the minimisation and prevention of gambling harm is a key consideration in the development and provision of these products. The regulatory burdens for these providers are relatively low because their gambling products have a lower risk profile and both are statutory bodies with government appointees.

New Zealanders gambling online with Lotto and the TAB has increased in recent years, though online participation still remains at a lower rate than participating in-person at Lotto outlets or TABs. In 2012, 4.3 per cent of the adult population gambled online using New Zealand products.16

Compared with other countries, New Zealand has a narrow range of online gambling options. For example, the United Kingdom’s online gambling options include casino games, society lotteries, betting activities and Bingo games. However, Australia has a similar range of online options as New Zealand, with online casino-style games illegal. The Australian government also recently decided not to allow the online equivalent of “scratchies”.

New Zealanders are not, however, prohibited from gambling with offshore online providers. For example, a growing number of New Zealanders are using offshore online betting services (e.g. Bet 365), which offer a wider range of betting products, such as sports betting, casino games, poker, slots, scratchcards and bingo.

Offshore providers are likely to have a competitive advantage over New-Zealand based products because they operate purely commercial businesses, without the requirement (for Lotto and the New Zealand Racing Board) to make returns to their communities, and they have different tax and duty obligations. In addition, some of the off-shore providers have an advantage from the scale of their operations and often can provide better odds.

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16 The Health Promotion Agency’s 2012 Health and Lifestyles Survey.
The number of online gambling products overseas is growing rapidly, as is the use of those products in overseas markets. In 2013, online gambling had an internationally estimated gross profit of US$35.3 billion and the future prediction is that online gambling will grow at a rate of 10.6% between 2014 and 2018\textsuperscript{17}.

The number of New Zealanders gambling online on overseas websites is relatively small compared to other forms of gambling i.e. from 1.4 to 1.7 per cent of the adult population in 2012. This is about 55,000 people. More recent results, for 2014 and 2015 suggest no significant changes or possibly a slight increase. Expenditure estimates for New Zealanders using off shore online gambling are limited. Based on self-reported expenditure, the total annual amounts for offshore online gambling for 2012 to 2014 range between $14.6 million to $47.6 million\textsuperscript{18}.

As a nation we are increasingly using online tools for personal use such as shopping, banking and socialising. Having an online presence is becoming more important to businesses to remain competitive.

There is a risk that if we retain the currently limited range of online gambling products, consumers may choose to increasingly gamble on offshore sites, with a corresponding loss of benefit to New Zealand communities, and potential concerns around problem gambling and consumer protection.

If providing online gambling services was permitted in New Zealand, serious consideration would be needed about how an online gambling environment is designed and regulated. For example, it would need to be decided whether another class of gambling should be introduced, and how and at what cost it would be regulated. There would also be choices on whether to restrict the number of operators, or whether it would be an open market.

Potential harm from online gambling also needs to be carefully considered, along with issues such as identity verification and age limits. There would also need to be consideration of whether online gambling would be for-profit (with a high tax) or a continuation of the community benefit model.

Increasing online gambling in New Zealand may have implications for gambling harm. Access to gambling would become a lot more convenient, and while having access to gambling anywhere at any time may present limited risk to some people, for those that have a gambling problem this kind of access could increase harm. Ministry of Health data indicates that from 2012 to 2014 about 2 per cent to 3 per cent of clients (or 100 to 140 people) accessing problem gambling services identified offshore gambling as causing them problems. The figures are similarly low (1.5% to 2.4%) for Ministry of Health clients identifying New Zealand online gambling (Lotteries, TAB) as causing them problems.

\textsuperscript{17} Offshore Gambling by New Zealanders Study, Gambling & Addictions Research Centre, AUT University (2015).

\textsuperscript{18} Offshore Gambling by New Zealanders Study, Gambling & Addictions Research Centre, AUT University (2015).
Another disadvantage of online gambling may be the removal of socialisation. Safe gambling is a source of adult entertainment, and currently part of that entertainment includes the benefit of socialising with other people, which could be removed if people were to gamble online. Online gambling also takes away the personal interaction between the provider and the person gambling (providers can use the relationships with gamblers to minimise harm).

However, there are also advantages to shifting to an online platform for gambling products. For instance, there would be a different set of tools available to reduce harm from gambling (for example, pre-commitment to a maximum gambling spend per week). If peoples’ online identity can easily be verified, it may be easier to set a range of limits to reduce harm and to enable self-exclusion across providers.

Allowing lower risk forms of gambling online could increase benefit to the community. For instance, class 3 gambling (e.g. non-government national charity lotteries through the Heart Foundation and Coastguard NZ) is currently unable to use any form of interactive device, including telephones. The Heart Foundation and Coastguard NZ have raised the possibility of supporting class 3 societies by allowing online sales. This could increase the community benefit (through greater sales) so long as an online platform can provide appropriate consumer protection and identify verification services. However, if an online platform is provided for class 3 gambling, consideration would have to be given to other classes of gambling that might want to enter the online market.

Questions:

- Do you think the current policy settings for online gambling are fit-for-purpose?
- If not, how do we need to change the policy settings?
- Do you think other forms of gambling should be available online in New Zealand? Why/why not?
- If yes, what gambling products should this include and how could we ensure gambling harm is minimised?
- Do you think class 3 gambling operators such as the Heart Foundation and Coastguard NZ should be able to offer online lotteries?
Part IV: Further issues/ideas

This discussion paper has set out a number of issues and questions in relation to the class 4 gambling sector. We are aware that this is a complex topic, and you may have a different view on how the issues and options should be explored. This section is an opportunity to give your feedback on any further matters you think should be covered in this review.

Questions:

- Are there issues or questions not set out in this discussion paper that you think need to be considered in this review?
- Can you suggest any further options for improving the status quo that do not fit elsewhere in this discussion paper and do not increase gambling harm or drive growth in gambling?
1. SUMMARY

1.1. The purpose of this report is to seek the Committee's direction for the review of the Gambling Venue Policy and Board Venue Policy which is required every three years by the Gambling Act 2003 and the Racing Act 2003 for each respective policy.

1.2. The Gambling Venue Policy is a control on gaming machines (Class 4 gambling or pokies), and the Board Venue Policy is a control on Totalisator Agency Board (TAB) venues. These policies have the objectives of controlling the growth of gambling and minimising harm to the community from problem gambling.

1.3. Both policies were implemented in April 2004 through a wide-ranging multi-Council Special Consultative Procedure and managed by a Councillor Working Party. The policies were first reviewed in 2006, again in 2010 following a comprehensive Social Impact Assessment (SIA), and again in 2013. The policies did not change as a result of these reviews. This is the fourth time these two policies have been reviewed.

1.4. It is important to note that these policies relate to the availability and location of gambling venues in the District. The proximity to the Christchurch Casino, combined with the growth in internet gambling, both of which are not controlled by Council policies, means the ability to influence the overall incidence of gambling in the community is more a national than local issue.

1.5. The Board Venue Policy covers premises that are owned or leased by the New Zealand Racing Board (stand-alone venues) and where the main business of the premises is providing racing betting or sports betting services under the Racing Act 2003. There are no stand-alone TAB’s in this District. All TAB’s are within licensed premises or clubs, and so while the Council is required to have a Board Venue Policy, there are no premises to which it applies.

1.6. The numbers of gaming machines in the Waimakariri District has been trending down since 2006. This trend continued between 2013 and 2016 with the number of machines declining from 174 in 2013 to 165 in 2016. The number of venues that have gaming machines rose by two, from 12 in 2013 to 14 in 2016.

1.7. If the Committee considers the policies remain fit for purpose a review could be made on the papers. If the Committee considers that elements of the policy should be amended then the Special Consultative Procedure (SCP) will need to be invoked.

1.8. A full review of the Gambling Venue Policy would require a Social Impact Assessment (required under section 101 (2) of the Gambling Act 2003), consideration of adding a relocation policy, and consideration of the current cap of one machine per 120 adults.

Attachments:

i. Draft Board Venue Policy 2016 (160516044791)
ii. Draft Gambling Venue Policy 2016 (160516044790)
iii. Gaming machine venues and number by region at 30 June 2016 (160516044818)

2. RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Receives report No.160516044812
(b) Retains the Board Venue Policy unchanged TRIM No 160516044790
(c) Retains the Gambling Venue Policy unchanged TRIM No 160516044791, or
(d) Directs staff undertake a full review of the Gambling (Class 4) Venue Policy which may include consideration of a relocation policy (made possible by amendments to the Gambling Act 2003 which inserted sections 105(5A) and (5B)), consideration of the current cap of one machine per 120 adults, and a Social Impact Assessment (required under section 101 (2) of the Gambling Act 2003) in the 2017 calendar year
(e) Notes that should the Resource Management and Regulation Committee resolve to amend either or both policies, the Special Consultative Procedure will need to be undertaken, which would also be required if a full review of the Gambling Venue Policy was undertaken in 2017.

3. ISSUES AND OPTIONS


3.2. Both policies were adopted in April 2004 following wide-ranging consultation by the Council’s Gambling Working Party and subsequently a hearing through the Special Consultative Procedure (SCP) of the Local Government Act 2002. The Council carried out this process jointly with the Christchurch City Council as it was considered that access to gambling for the community, and the associated potential harm, was not necessarily delineated by the District boundary.

3.3. The Gambling Venue Policy is more relevant in the Waimakariri District than the Board Venue Policy. The Board Venue Policy can apply only to stand-alone TAB outlets. Waimakariri District has no stand-alone TAB outlets, and there is no current intention of the TAB to establish a stand-alone TAB venue in the District. Venues with TAB facilities in the District are as follows:

<table>
<thead>
<tr>
<th>Oxford</th>
<th>Rangi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oxford Workingmen’s Club</td>
<td>Self Service TAB</td>
</tr>
<tr>
<td>Rangiora</td>
<td></td>
</tr>
<tr>
<td>Plough Hotel</td>
<td>Pub TAB</td>
</tr>
<tr>
<td>Rangiora RSA</td>
<td>Pub TAB</td>
</tr>
<tr>
<td>JR’s Bar and Grill</td>
<td>Self Service TAB</td>
</tr>
<tr>
<td>Brook Hotel</td>
<td>Self Service TAB</td>
</tr>
<tr>
<td>Kaiapoi</td>
<td></td>
</tr>
<tr>
<td>Kaiapoi Workingmen’s Club</td>
<td>Pub TAB</td>
</tr>
<tr>
<td>Kaikanui Hotel</td>
<td>Pub TAB</td>
</tr>
<tr>
<td>Sefton</td>
<td></td>
</tr>
<tr>
<td>Anglers Arms</td>
<td>Self Service TAB</td>
</tr>
<tr>
<td>Woodend</td>
<td></td>
</tr>
<tr>
<td>Caspers</td>
<td>Pub TAB</td>
</tr>
</tbody>
</table>
3.4. The objectives of the Gambling Venue Policy are:

- To control the growth of gambling
- To prevent and minimise the harm to the community caused by gambling, including problem gambling
- To control the growth of electronic gaming machine gambling in the District
- To allow those who wish to participate in electronic gambling machine and TAB gambling to do so, safely and responsibly, within the District.

To give effect to these objectives, the Council’s current policy has adequate safe-guards in place in the form of:

- All venues must be located in an on-license or licensed club premise.
- All applications are open to public submission and will be heard by a hearing panel. This enables the Council to keep abreast of trends in the industry, and is a forum for the expression of community views. This is relatively unique, as the Act enables delegations to staff without a hearing, however this is not preferred.
- There is a current cap of one gaming machine per every 120 adults, 18 years of age and over. This cap was instituted in 2004 and matched the number of machines to the then population.

3.5. With the current cap of 1:120 for adults 18 years of age and over, as long as any new application fits within the criteria of the Gambling Act 2003 and the WDC Policy, there is capacity to increase gaming machines numbers across the District. The estimated adult population of 18 years or older at June 2015 is 44,000. Based on this figure, an adult population of 44,000 divided by the current cap of 120 equals 366 gaming machines. The number of gaming machines at 31 March 2016 in the Waimakariri District is 165, which is well under the current policy threshold, so theoretically another 201 gaming machines could be established in the District.

3.6. If the adult population of 44,000 is divided by the current number of gaming machines of 165 then this would signal a new cap ration of 1:266, that is, one gaming machine for every 266 adults (18 years of age or older) in the District. There is little demand for new machines (the latest is Five Stags) which is the first application in four years, so the necessity to change the policy is not overriding.

3.7. Table 1 Machine and Venue Numbers – Local Trends:
Since December 2006, machine numbers and venues have steadily declined. There appears to be a natural attrition in the reduction of gaming machines in the District, which could be a result of the Department of Internal Affairs’ (DIA) compliance costs.

3.8. If the Committee considers that the policies need amending, both the Gambling Act 2003 and the Racing Act 2003 require that the SCP of the Local Government Act 2002 be invoked. If the SCP is to use its likely that a full social impact assessment would be required. A social impact assessment in itself requires considerable consultation with the community and agencies working in areas that observe the effects of problem gambling, as well as the organisations that benefit from gaming proceeds. A social impact assessment would take some months to complete and would need resources to be allocated to fulfill it. If the Committee does resolve to review the Gambling Venue Policy it would be preferred to timetable a review over the next 2 years so that appropriate resourcing could be arranged. It should also be noted that if RMR resolves that the policies remain unchanged, then the SCP does not need to be invoked.

3.9. Both Acts require a review of each policy every three years, so the next review date would be April-June 2019.

4. COMMUNITY VIEWS

4.1 Given the declining numbers of gaming machines, and that this has been trending consistently downwards since 2006, community views have not been sought.

5. FINANCIAL IMPLICATIONS AND RISKS

5.1 If the policies are to be amended, the costs of a Special Consultative Procedure would be in the order of $10,000. The cost of a Social Impact Assessment would be in the order of $25,000 whether or not it is undertaken in-house or out-sourced.

6. CONTEXT

6.1. Policy

This matter is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

6.2. Legislation

The Gambling Act 2003

102 (5) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.

The Racing Act 2003

65E(5) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.

6.3 Community Outcomes

There is a safe environment for all:

However, gambling is legal and those premises established prior to October 2001 are allowed up to 18 gaming machines, and after October 2001, a maximum of 9 gaming
machines. It is through the gambling policy that the Council has a means of balancing the tension between allowing a lawful activity and providing for community and individual well-being.

6.3. Delegations

The Committee has responsibility for Gambling Venues under Delegation S-DM 1026. It also has the “authority to initiate a Special Consultative Procedure, or otherwise consult the community on matters related to the committee’s activities and where the proposed consultation is not contrary to an established Council position”.

Table 2 Sites and machine numbers in the District as at 30 June 2016.

<table>
<thead>
<tr>
<th>Society Name</th>
<th>Site/Premises</th>
<th>Address</th>
<th>No. of machines Licenced for the site</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Zealand Community Trust</td>
<td>Caspers</td>
<td>51 Main North Road, Woodend</td>
<td>9</td>
</tr>
<tr>
<td>The Lion Foundation (2008)</td>
<td>Jagger &amp; Co Restaurant &amp; Bar</td>
<td>Units 3-4 Kaiapoi Crossing, 77 Hilton Street, Kaiapoi</td>
<td>9</td>
</tr>
<tr>
<td>Pub Charity</td>
<td>JR’s Bar &amp;Grill</td>
<td>37 High Street, Rangiora</td>
<td>18</td>
</tr>
<tr>
<td>Kaiapoi Workingmen’s Club &amp; MSA Inc</td>
<td>Kaiapoi WMC &amp; MSA</td>
<td>113 Raven Quay, Kaiapoi</td>
<td>18</td>
</tr>
<tr>
<td>Cert Your Local Gaming Trust Limited</td>
<td>Kaikanui Tavern</td>
<td>67 Williams Street, Kaiapoi</td>
<td>18</td>
</tr>
<tr>
<td>Pub Charity Limited</td>
<td>Mandeville Tavern</td>
<td>99 Raven Quay, Kaiapoi</td>
<td>9</td>
</tr>
<tr>
<td>Oxford Workingmen’s Club &amp; MSA</td>
<td>Oxford Workingmen’s Club &amp; MSA</td>
<td>160 High Street, Oxford</td>
<td>12</td>
</tr>
<tr>
<td>Trust Aoraki Limited</td>
<td>Pineacres Tavern</td>
<td>740 Main North Road, Kaiapoi</td>
<td>9</td>
</tr>
<tr>
<td>The Southern Trust</td>
<td>Plough Hotel</td>
<td>398 High Street, Rangiora</td>
<td>18</td>
</tr>
<tr>
<td>Rangiora Returned Services Association Club Inc</td>
<td>Rangiora RSA Club</td>
<td>82 Victoria Street, Rangiora</td>
<td>18</td>
</tr>
<tr>
<td>New Zealand Community Trust</td>
<td>Red Bowl Chinese Restaurant &amp; Bar</td>
<td>16 Southbrook Road, Rangiora</td>
<td>18</td>
</tr>
<tr>
<td>Air Rescue Services Limited</td>
<td>Robbie’s Bar &amp; Bistro (Rangiora)</td>
<td>238 High Street, Rangiora</td>
<td>0</td>
</tr>
<tr>
<td>Mainland Foundation Limited</td>
<td>The Red Ram</td>
<td>39 High Street, Rangiora</td>
<td>0</td>
</tr>
<tr>
<td>Trust Aoraki</td>
<td>5 Stags</td>
<td>29 Huntington Drive, Rangiora</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>165</td>
</tr>
</tbody>
</table>

Geoff Meadows, Policy Manager
1 Introduction

A Board Venue is a Totalisator Agency Board (TAB) operated on premises owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.

The Racing Act 2003 requires the New Zealand Racing Board (the Board) to gain consent from Territorial Authorities if it proposes to establish a new Board venue (TAB).

The policy is limited to New Zealand Racing Board owned TAB outlets. It does not cover TAB terminals in privately owned premises such as hotels, taverns or clubs as these may be established without Territorial Authority Consent.

2 Policy Context

Under Section 65D of the Racing Act 2003, territorial authorities must adopt a Board Venue policy for stand-alone TABs operated by the Board.

If all TAB’s within a District are inside a licensed premises or club, the Territorial Authority is still required to have a Board Venue Policy, even though there are no premises to which it applies.

3 Policy Objective

To ensure the Council and the community has influence over the provision of gambling in the District.

Section 65D of the Racing Act 2003 specifies:

1. A territorial authority must, within 6 months after the commencement of this section, adopt a policy on Board venues.
2. In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
3. The policy must specify whether or not new Board venues may be established in the territorial authority district and, if so, where they may be located.
4. In determining its policy on whether Board venues may be established in the territorial district and where any Board venues may be located, the territorial authority may have regard to any relevant matters, including—
   a) the characteristics of the district and parts of the district:
   b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:
   c) the cumulative effects of additional opportunities for gambling in the district.
4 Policy Statement

Matters the Council will consider when making a decision on any application are:

1. That the venues are not in a Residential Zone as defined by the Operative District Plan.

2. That the venue is not on a site that the Council considers will unnecessarily display gambling activity to places and institutions primarily frequented by people under the age of 18 years old.

Applications & fees:

1. All applications will be publicly notified and open for submissions for a period of 10 working days. The Hearings Committee will hear and decide all applications.

2. All fees and charges must be paid before any consent is granted. A deposit of $1000 is required with hearing costs and disbursements charged monthly.

3. Councillor and staff time is charged at the rates specified in the Fees and Charges Schedule.

5 Links to legislation, other policies and community outcomes

Community Outcome – there is a safe community for all

6 Adopted by and date

The Board Venue Policy 2016 was approved by the Resource Management and Regulation Committee at its meeting on 19 July 2016.

The Resource Management and Regulation Committee has the delegation to be responsible for gambling venues.

7 Review

Council must complete a review every three years. The next review is due in April-June 2019.
1 Introduction

Gambling in New Zealand is regulated by the Gambling Act 2003.


The Act regulates six classes of gambling. This Policy is concerned with Class 4 gambling, which is gambling that involves the operation of gaming machines (pokies), outside of casinos.

While Council recognises that gambling is a legitimate form of entertainment, there is concern about the social impact that gambling, and in particular problem gambling, can have in the community. This policy seeks to minimise harm from problem gambling.

2 Policy Context

Section 101 of the Gambling Act 2003 requires a territorial authority to adopt a class 4 venue policy.

The Policy allows Council to directly control the growth of Class 4 gambling via gaming machines by creating rules around numbers of venues and gaming machines, and their location within the District. It also allows the community to input to decision-making through Council’s public notification and submission process, should there be any new requests for venues or an increase in gaming machines numbers at an existing venue.

3 Policy Objective

1. To control the growth of gambling
2. To prevent and minimise the harm to the community caused by gambling, including problem gambling.
3. To control the growth of electronic gambling machine gambling in the district.
4. To allow those who wish to participate in electronic gambling machine gambling to do so, safely and responsibly, within the District.

4 Policy Statement

Societies requiring Council consent

Any society requires Council consent in respect of a class 4 venue to:

- Increase the number of gambling machines that may be operated at the venue.
GAMBLING VENUE POLICY

- Start operating gambling machines at such a venue that was not on any society’s licence within the previous 6 months.
- Start operating gambling machines at such a venue for which a licence was not held on 17 October 2001.
- Continue to operate gambling machines at a venue for which a licence was not held on 17 October 2001, but which was added to a society’s licence on a date after 17 October 2001 and before 19 September 2003.

Matters that the Council will consider when making a decision on any application are:

1. That the application is associated with premises that have an on licence, club licence or is a chartered club in terms of the Sale and Supply of Alcohol Act 2012, or is a TAB venue.
2. That gambling machines are not the primary part of the venue’s operation or income.
3. That the venues are not in a Residential Zone as defined by the Operative District Plan.
4. That the venue is not on a site that the Council considers will unnecessarily display class 4 gambling activity to places and institutions primarily frequented by people under the age of 18 years old.
5. Class 4 gambling venues should not be located in premises that are incompatible with other predominant uses of the premises or of other premises in close proximity.
6. Class 4 gambling machines will not be located within a venue where the primary activity is associated with family or children’s activities.
7. That a district wide cap of 1 gambling machine per 120 people 18 years old or older be used as a guideline to limit any increase in machine numbers.
8. That external signs at venues be restricted to one per site, of an appropriate size and attached directly to the building, and that describes that gambling machines are on the premises. Advertising of prize money of any description shall not be visible from the exterior of the premises.
9. Gambling machines must not be visible from the road.
10. That the gambling area of a venue does not have a separate entrance to a street, separate name or otherwise appears as a separate activity from the primary venue.
11. Venues are to have a host responsibility and gambling harm minimisation policy and staff training programme.

Applications and fees

1. All applications will be publicly notified and open for submissions for a period of 10 working days. The Hearings Committee will hear and decide all applications.
2. All fees and charges must be paid before any consent is granted. A deposit of $1000 is required with hearing costs and disbursements charged monthly.
3. Councillor and staff time is charged at the rates specified in the Fees and Charges Schedule.
5 Links to legislation, other policies and community outcomes

Community Outcome – there is a safe community for all

6 Adopted by and date

The Gambling Venue Policy 2016 was approved by the Resource Management and Regulation Committee at its meeting on 17 July 2016.

The Resource Management and Regulation Committee has the delegation to be responsible for gambling venues.

7 Review

Council must complete a review every three years. The next review is due in April-June 2019.
Gaming Machines venues and numbers by region at 31 March 2016
Report generated on: 1 April 2016

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WAIMAKARIRI DISTRICT COUNCIL

REPORT

FILE NO and TRIM NO: DDS-06-05-06 / 160706064817

REPORT TO: Resource Management and Regulation Committee

DATE OF MEETING: 19 July 2016

FROM: Trevor Ellis, Development Planning Manager

SUBJECT: Waimakariri District Plan Review – Programme Implementation Plan

SIGNED BY:

Department Manager

App Chief Executive

1. SUMMARY

1.1. The purpose of this report is to recommend to the Resource Management and Regulation Committee that the attached draft District Plan Review Programme Implementation Plan is endorsed and to note that the Plan will be further considered at the first meeting of the proposed District Plan Review and District Development Strategy Project Control Group.

1.2. This Plan sets out arrangements to govern (initially thorough the RMR Committee and in the 2016 – 19 period under the new Council via arrangements to be determined) and manage (through a senior staff Project Control Group) this multi-year programme of work. The same structure would be used to prepare a refreshed District Development Strategy.

Attachments:


2. RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Receives report No. 160706064817.

(b) Endorses the Waimakariri District Plan Review – Draft Programme Implementation Plan and notes that it will be further considered and updated where necessary at the first meeting of the proposed District Plan Review and District Development Strategy Project Control Group.

(c) Notes that governance arrangements for the District Plan Review and District Development Strategy programmes of work are a matter for recommendation to the incoming 2016-19 Council.

(d) Notes that an update report on progress with the District Plan Review and District Development Strategy projects will be made to the September meeting of the Committee.
3. **ISSUES AND OPTIONS**

3.1. At the May 2016 meeting of the Committee report 160505040697 included a recommendation noting that a full project initiation document would be reported to the July 2016 meeting. This document has now been prepared and is attached (Attachment i).

3.2. The initiation document (now termed Programme Implementation Plan) has been prepared by RCP (project managers) in conjunction with staff, and expands on the earlier report prepared by RCP in May. Given that the District Plan review (DPR) project has already been initiated, as confirmed by previous reports to the Committee, this report focuses on key next steps in order deliver the district plan effectiveness phase of the DPR.

3.3. The attached report outlines a number of matters including:

- Several assessments of existing district plan provisions to help identify those provisions that are working well and those that are not (district plan effectiveness);
- Further assessing opportunities for an enhanced on-line version (e-plan) of the operative district plan and the proposed plan to be developed by the DPR process;
- Consideration of the strategic framework at an early stage in order to help inform development of the DPR as a whole and to align with the proposed timeframe to develop the District Development Strategy (DDS) over this financial year;
- The preparation of a communications and engagement plan to apply for the duration of the DPR period;
- Establishment of a governance structure including a Project Control Group (PCG) and a technical advisory Group (TAG). The PCG will provide senior management oversight and the TAG will provide technical input and review.

3.4. Draft terms of reference for the PCG and TAG are included as appendices to the attached report. These are to be confirmed or amended as necessary by the respective groups at their first meeting. In terms of the proposed governance committee, this will have overall role to provide direction setting for both the DPR and DDS. Several options are available for governance of the projects. These range from further utilising the existing Resource Management and Regulation Committee, through to a specific committee. At this time, the Programme Implementation Plan indicates that further discussion of the potential options is required and that the preferred governance approach is recommended to the incoming Council later in the year.

3.5. It is important to note that the draft Programme Implementation Plan is intended to be an operational document and that it will be subject to review and changes as required. This is certainly the case for the proposed risk register which will be maintained and updated, along with progress updates that will be reported to the PCG in the first instance.

3.6. Implementation planning for the DDS project to be progressed over the 2016/17 year is proceeding. It is intended this project will utilise the same project governance structure and management arrangements as the DPR. An update on the DPR and DDS projects will be made to the September meeting of the Resource Management and Regulation Committee.

3.7. The Management Team has reviewed this report and supports the recommendations. It proposes that the matter of independent review at a governance level similar to that which has been raised in relation to Audit Committee be discussed with the responsible committee that is appointed by the incoming 2016-19 Council.
4. COMMUNITY VIEWS

4.1 No community views have been sought on the preparation of the draft Implementation Plan, but the project plan proposes significant community engagement as the District Plan Review is progressed.

5. FINANCIAL IMPLICATIONS AND RISKS

5.1. Financial implications and risks were set out in reports dated 10 February 2016 (160126005673) and 17 May 2016 (160505040697). These reports indicated that risk could be mitigated to some degree by project management and regular financial reporting. This is proposed as part of the draft Implementation Plan.

5.2. The report to Council in February 2016 proposed a total budget for the project of $3.775m of which $1.75m was new funding included in the 2016/17 Annual Plan.

6. CONTEXT

6.1. Policy

This matter is not a matter of significance in terms of the Council’s Significance Policy.

6.2. Legislation

Resource Legislation Amendment Bill.

6.3. Community Outcomes

A wide range of community outcomes are impacted by the District Plan, including:

*There are wide ranging opportunities for people to contribute to the decision making by local, regional and national organisations that affects our District*

- Local, regional and national organisations make information about their plans and activities readily available.
- Local, regional and national organisations make every effort to take account of the views of people who participate in community engagement.
District Plan Review
Programme Implementation Plan
Draft (Version 1.0)

July 2016
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Appendices
A. Terms of Reference
B. PCG Programme Status Report Template
C. Programme Risk Register
D. Detailed Table of Key Upcoming Activities
1. **Goals, Context and Scope**

1.1. **Programme Implementation Plan (PIP) - What is it?**

The purpose of this Programme Implementation Plan (PIP) is to (in no particular order):

- Outline the key tasks required to be undertaken by Waimakariri Development Planning Unit (DPU) over the next six months and into the future in order to complete the District Plan effectiveness review and establishment phase.
- Act as a "live" working document to be used internally by the DPU Policy Planners and Unit Manager to monitor and plan for their upcoming tasks. The document will be updated and developed as the review process progresses.
- Provide the basis for the Programme Control Group (PCG) to monitor progress of the District Plan Review Programme.
- To set out the responsible party for each task and sequential order so the DPU can remain focussed to achieve their goals.
- Sets out the overall high level programme and phasing of the District Plan Review process.
- Provide and monitor financial spend against the approved budget.
- Break down the current DPR Phase in detail by assigning tasks and responsibilities to ensure tasks are completed to programme.

1.2. **Background - Why Review the District Plan?**

The Waimakariri District Plan is required to be reviewed under the Resource Management Act 1991 (RMA or the Act) every 10 years. The plan has been subject to a rolling review process since 2011, however approximately 75% of the plan has not yet been reviewed.

Options for completing the review were considered, and a shift from the rolling review to an 'accelerated' review process was confirmed by Council on 10 February 2016.

The reasons for using an accelerated process relate to the increasingly complexity of the plan, which has resulted in a document that is complex for both plan users and the review process itself. In particular, issues of scope, rule duplication and difficulties in amending the format of the plan have emerged.

The District is among the fastest growing areas in New Zealand. Sustained growth and development has affected the rolling review process through both privately initiated plan changes seeking rezoning for development, and also changes to the Plan for earthquake recovery in response to the Land Use Recovery Plan. It is time for a simplified, streamlined, user friendly District Plan to be produced.

1.3. **E-Plan – Current and Future Plan**

It has been identified in the early establishment/effectiveness review stage that the recruitment of a policy planner resource is required to work on the e-plan project.

Phase 1 of the e-plan project would consist of converting the current Operative District Plan to a simplified e-format with the use of hyperlinks and any other means to assist use. Phase 2 would be setting out how e-plan will inform the new Proposed District Plan.
2. **District Plan Review Process – High level programme and phasing**

The District Plan effectiveness phase is followed by:

<table>
<thead>
<tr>
<th>Nov 2016 – May 2019</th>
<th>Review Phases for each Chapter or Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft District Plan Review by Chapter/Topic</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>June 2019</th>
<th>Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft District Plan Release</td>
<td></td>
</tr>
<tr>
<td>- Public release and notification of the proposed plan.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>July 2019 Onwards</th>
<th>Tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submissions and Hearings Process</td>
<td></td>
</tr>
<tr>
<td>- Receive and summarise submissions.</td>
<td></td>
</tr>
<tr>
<td>- Notify further submissions.</td>
<td></td>
</tr>
<tr>
<td>- Schedule hearings.</td>
<td></td>
</tr>
<tr>
<td>- Prepare officer reports and evidence.</td>
<td></td>
</tr>
<tr>
<td>- Hearings.</td>
<td></td>
</tr>
<tr>
<td>- Decisions.</td>
<td></td>
</tr>
<tr>
<td>- Notify decisions.</td>
<td></td>
</tr>
</tbody>
</table>

### 2.1 Summary of Programme Chapter Categories and Key Deliverables Schedule

RCP have worked with the WDC Development Planning Unit to categorise each of the topics and chapters that will make up the District Plan Review process by complexity in order to develop the programme of work and establish the internal resources required. A detailed table of up-coming key dates, tasks and activities is included in Appendix D.

The below table summarises the number and complexity of chapters requiring review, including an estimate of how many draft chapters will be completed at the end of each financial year. These are subject to change as the DPU review and develop the structure and format of the future District Plan:

<table>
<thead>
<tr>
<th>Complexity of Chapter / Topic</th>
<th>Est. No. of chapters/topics</th>
<th>No. completed by June 2018</th>
<th>No. completed by June 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple</td>
<td>13</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Medium</td>
<td>6</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Complex</td>
<td>10</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>29</td>
<td>12</td>
<td>17</td>
</tr>
</tbody>
</table>
3. **Roles, Responsibilities, Reporting and Governance Structure**

3.1 **Governance Structure**

The structure below outlines the overall governance structure proposed for the District Plan Review Programme. This structure will be used as the governance structure for both the District Plan Review and the Development Strategy (DDS).

- **Governance Committee**
  - Council direction setting role for both Development Strategy and District Plan
  - Composition and TOR to be recommended to/confirmed by incoming Council

- **Programme Control Group (PCG)**
  - Provides senior management oversight
  - Includes management team representatives.
  - Supported by Project Manager

- **Stakeholder Reference Group(s)**
  - External input at a range of levels

- **Technical Advisory Group (TAG)**
  - Includes core internal (make it/break it) and a required external experts
  - Dedicated resource to support internal and external communications and engagement

- **Communication and Engagement**

- **Core Project Team**
  - Based in DP Unit
  - Includes core planning team members and fixed term staff as required

- **Development Planning Unit (DPU) Manager**
  - Based in DP Unit
  - Ongoing responsibility

- **Management Team**
  - Monitors progress

3.2 **Related Projects**

Other related processes or documents that the district plan relates to include but are not limited to, bylaws, DDS and the Engineering Code of Practice. An opportunity exists to align these documents.

In addition, an e-plan project group will be established to oversee the conversion of the operative district plan and the district plan review. The group will work with the Core Project Team and report to the TAG and PCG as required.
### 3.3 Roles and Responsibilities

The table below outlines the roles of the key project groups. Refer to Appendix A for Terms of Reference.

<table>
<thead>
<tr>
<th>Governance Committee</th>
<th>Programme Control Group (PCG)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overview:</strong></td>
<td><strong>Overview:</strong></td>
</tr>
<tr>
<td>Provides direction and governance for the District Plan Review (DPR) and the District Development Strategy (DDS)</td>
<td>Oversees the management and delivery of the Waimakariri District Plan Review (DPR) and the Waimakariri District Development Strategy (DDS)</td>
</tr>
<tr>
<td><strong>Purpose:</strong> Specific jurisdictions in regard to the DPR and DDS. Delegations to be confirmed.</td>
<td><strong>Purpose:</strong> To guide, enable and monitor development of the DPR through to the public release and notification of the proposed plan and the preparation and finalisation of the DDS. To provide senior management oversight and cross Council buy-in.</td>
</tr>
<tr>
<td><strong>Tasks:</strong></td>
<td><strong>Tasks:</strong></td>
</tr>
<tr>
<td>- On behalf of Council provides direction for development strategy preparation and District Plan review</td>
<td>- Oversees Council or Council Committee decisions and makes any recommendations to the Chief Executive and Management Team</td>
</tr>
<tr>
<td>- Leadership of communication and engagement</td>
<td>- Receives, reviews and approves work from the Core Project Team or in some instances the Technical Advisory Group</td>
</tr>
<tr>
<td>- Cross Council participation - “not just planning”</td>
<td>- Makes recommendations to the Core Project Team</td>
</tr>
<tr>
<td>- Confirming drafting decisions for District Plan</td>
<td>- Oversees progress of the E-Plan project</td>
</tr>
<tr>
<td>- Reviewing options for District Plan Policy and Methods</td>
<td>- Recommends to Council or the relevant Council Committee that the draft DDS and draft and proposed District Plan be publicly notified</td>
</tr>
<tr>
<td>- Recommend to Council the Full Review document for communication consideration</td>
<td>- Recommends adoption of the DDS and DPR</td>
</tr>
<tr>
<td><strong>Meetings:</strong> Meeting schedule over the 2016-19 triennium to be confirmed.</td>
<td>- Provides a quarterly Dashboard Report to the Council or relevant Council Committee</td>
</tr>
<tr>
<td><strong>Members:</strong> Elected members to be confirmed and any external appointees.</td>
<td></td>
</tr>
</tbody>
</table>

### Technical Advisory Group (TAG)

| Overview: Provides cross-council input into the preparation of the Waimakariri District Plan Review (DPR) and the Waimakariri District Development Strategy (DDS). |
| **Purpose:** The purpose of the TAG is to contribute to the development of the DPR and DDS by ensuring Council requirements, Council professional knowledge and other relevant factors are identified, taken into account. |
| **Tasks:** | |
| - Provides feedback on material relating to the preparation of the DPR and DDS and recommends to options relating to the development of material from the Core Project Team | |
| - Receives or provides input to those issues or matters that should be factored into the DPR and DDS | |
| - Assist in the preparation of issues, option and position papers, communication & engagement exercises, reports to Council | |
| - Provides input into other processes including the E-Plan project, communication and engagement exercises where required | |
| **Meetings:** Minimum every five weeks or when requested to do for urgent matters or matters relating to the purpose of the TAG. |
| **Members:** Infrastructure Strategy Manager | |
| Development Manager | |
| Senior Transport Unit | |
| Green Space staff member (TBC) | |
| Plan Implementation Unit Staff Member | |
| Policy and Strategy Unit Manager | |
| Other staff or consultants as required, such as Core Project Team, Environmental Services Manager as required Business and Centres Manager | |

### Core Project Team (CPT)

| **Overview:** Provides the core members of the project team who are responsible for implementing the review process. The DPU will also be supported by the Policy and Strategy Unit (PSU) throughout the review process, particularly research and effectiveness review reporting. |
| **Purpose:** The purpose of the Core Project Team is to implement and deliver the outputs necessary for the DPR and DDS. |
| **Tasks:** | |
| - To undertake the day to day progression of project work streams via the project lead and ensure adherence to the work activities plan and milestones are met | |
| - Prepare and deliver key documentation and advice to be provided to the PCG (including progress reports) | |
| - To develop and ensure delivery of the public communication and engagement work streams | |
| - To recommend commissioning of work and technical advice to support the development of the District Review Plan and DDS | |
| **Meetings:** As necessary – TBC. |
| **Members:** Development Planning Manager - Trevor Ellis | |
| Senior Policy Planner - Beverley Bray | |
| Senior Policy Planner - Shelley Milosavijevic | |
| Principal Planning Analyst - Helie Downie | |
| Senior Policy Analyst - Rachel McClung | |
| Resource Consents Technician - Ubica Hurley | |
| Others as required. | |
4. **Key Workstream Activities and Meeting Schedule**

<table>
<thead>
<tr>
<th>Workstream</th>
<th>JULY 16</th>
<th>AUG 16</th>
<th>SEPT 16</th>
<th>OCT 16</th>
<th>NOV 16</th>
<th>DEC 16</th>
<th>JAN 17</th>
<th>FEB 17</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PCG</strong></td>
<td>Establish / Brief</td>
<td>Mtg 15&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Mtg 17&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Mtg 15&lt;sup&gt;th&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TAG</strong></td>
<td>Establish / Brief</td>
<td>5x Chapter Assessment Review &amp; Feedback</td>
<td>10x Chapter Assessment Review &amp; Feedback</td>
<td>8x Chapter Assessment &amp; Framework Review &amp; Feedback</td>
<td>TAG feedback on Strategic Framework</td>
<td>Mtg 9&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Review DP Style, format, structure</td>
<td>Mtg 25&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>District Plan Effectiveness &amp; RM Strategic Framework</td>
<td>Policy Review/ 5x Chapter Assessments</td>
<td>10x Chapter Assessments</td>
<td>8x Chapter Assessments</td>
<td>RM Strategic Framework scope evaluation Update Chapter assessments</td>
<td>Strategic Framework Direction Review and Chapter assessments</td>
<td>PCG approval</td>
<td>DP Structure, Format, Setout, EPlan format agreed</td>
<td>DP templates &amp; drafting style agreed</td>
</tr>
<tr>
<td><strong>E Plan</strong></td>
<td>Scope Requirements</td>
<td>E-Plan Tender</td>
<td>Recommend E-Planner to PCG</td>
<td>Phase 1: E-Plan Lite on current plan starts</td>
<td>Phase 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Comms &amp; Engagement</strong></td>
<td>Draft Plan for PCG review</td>
<td>Finalise Plan for PCG approval</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RMR/ Governance Committee</strong></td>
<td>Mtg 13&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Mtg 20&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Potential Mtg</td>
<td>Potential Mtg</td>
<td>TBC</td>
<td>TBC</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. **Financial Management and Delegation**

The WDC Project Lead (DPU Manager) will oversee the management of the actual financials and the reporting activity.

A project cost report will be established that tracks actual expenditure against forecast expenditure so the budget can be monitored and tracked by the Development Planning Manager. The WDC financial procedures are underpinned by the WDC Financial Delegated Authority Levels.

The Core Team will provide monthly reporting of actuals against forecast expenditure and this will be reported in the monthly Programme Status Dashboard Report provided by the Project Manager which goes to the PCG for review at their bi-monthly meeting. Refer to Appendix B for a template.
5.1 Deliverables and Budget Year

A total project budget of $3.775m was established in February 2016 including $1.75m of new funding which was approved through the 2016/17 annual Plan.

<table>
<thead>
<tr>
<th>Deliverables</th>
<th>Projects</th>
<th>Set out blow is how this funding is proposed to be allocated. Year and indicative additional budget required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background and process.</td>
<td>DPR framework, issues and content scoping, structure and format, governance and engagement, templates.</td>
<td>2016/2017 - $500,000</td>
</tr>
<tr>
<td>E-Plan Project</td>
<td>E-Plan Development</td>
<td>2016/2017 - $83,000 (split operational and capital)</td>
</tr>
<tr>
<td>Preparation of drafts.</td>
<td>Scope papers, technical reports, issues and options/position papers prepared, consultation (non RMA), drafting of provisions including s32</td>
<td>2017/2018 - $825,000</td>
</tr>
<tr>
<td>Final draft(s)</td>
<td>Notification (stakeholders), draft released, review of consultation responses, finalise draft and s32, publicly notify (RMA)</td>
<td>2018/2019 - $625,000</td>
</tr>
<tr>
<td>Hearings, hearing evidence and appeal</td>
<td>Publicly notify hearing streams (RMA), s42a, hearing costs including commissioners and technical experts, release of decisions.</td>
<td>Funding to be reviewed in the 2018/2028 Long Term Plan as scope unknown at this stage</td>
</tr>
</tbody>
</table>

5.2 Anticipated technical and external project costs

<table>
<thead>
<tr>
<th>Issue or topic</th>
<th>Anticipated Overall Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural environment, transport, rural, open space, hazards, business, residential, cultural, designations, environmental, rural residential, temporary activities, utilities and energy, heritage, strategic direction</td>
<td>$1150,000</td>
</tr>
<tr>
<td>Project management, template and database development and staff (contract or consultant)</td>
<td>$400,000</td>
</tr>
<tr>
<td>Administration and disbursements, including printing, postage, advertisement and community engagement</td>
<td>$200,000</td>
</tr>
<tr>
<td><strong>Total:</strong> $1.75m</td>
<td></td>
</tr>
</tbody>
</table>

6. **Summary of Programme Chapter Review Phases**

Following the initial District Plan Effectiveness and Programme establishment phase, RCP have programmed that each chapter and topic go through the following phases as part of the District Plan Review process.

At present the agreed approach is to draft the Resource Management Strategic Framework chapter in parallel with defining and scoping the remaining chapters, this way all chapters will be scoped, the amount of internal and external specialist input understood and the Strategic Framework agreed by the end of September 2017.
Following this, all the remaining topics and chapters will be prioritised and go through the remaining review phases (Strategic/Review Direction – Update Initial Draft). The whole review process is programmed to be completed by May 2019, with release of the Draft District Plan as a whole planned for June 2019.

Each chapter and topic will have been subject to reference group and key public stakeholder engagement prior to this, in order to understand and incorporate public feedback and minimise the number of public submissions once the whole Draft District Plan is released.

The key tasks for each review phase are provided below for information purposes:

<table>
<thead>
<tr>
<th>Chapter Review Phase</th>
<th>Key Phase Tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Define/Scope</td>
<td>Background work undertaken/technical assessments.</td>
</tr>
<tr>
<td></td>
<td>Analysis of issues for each topic and effort required (external/internal).</td>
</tr>
<tr>
<td></td>
<td>Scoping of internal/external resources required.</td>
</tr>
<tr>
<td></td>
<td>Sign off of resources by Project Control Group.</td>
</tr>
<tr>
<td></td>
<td>Monitoring and reporting to Management Team.</td>
</tr>
<tr>
<td>Strategic</td>
<td>Develop position/approach/strategy (Sec 32 Options)</td>
</tr>
<tr>
<td>Review/Direction</td>
<td>Setting out objectives/policies/rules.</td>
</tr>
<tr>
<td></td>
<td>Applying template/style.</td>
</tr>
<tr>
<td></td>
<td>Commissioning of technical reports.</td>
</tr>
<tr>
<td></td>
<td>Initial community engagement.</td>
</tr>
<tr>
<td></td>
<td>Stakeholder Reference groups as required.</td>
</tr>
<tr>
<td></td>
<td>PCG: Review – confirm direction.</td>
</tr>
<tr>
<td>Prepare Draft</td>
<td>Draft plan amendments &amp; Sec 32 Reports</td>
</tr>
<tr>
<td>Test/Review Draft</td>
<td>Peer Review/ “Make it or break it” testing.</td>
</tr>
<tr>
<td></td>
<td>Workshop with key stakeholders/reference groups.</td>
</tr>
<tr>
<td></td>
<td>TAG: confirm feedback.</td>
</tr>
<tr>
<td>Update Initial Draft</td>
<td>Finalise Draft.</td>
</tr>
<tr>
<td></td>
<td>TAG: Review/recommend draft is released for incorporation.</td>
</tr>
<tr>
<td></td>
<td>PCG: Decision.</td>
</tr>
<tr>
<td></td>
<td>RMR: Endorsement.</td>
</tr>
</tbody>
</table>

7. **Resourcing**

RCP have carried out a detailed resourcing analysis against the phasing profile outlined above and against the proposed chapter categorisation that has been given to us by WDC.

In order to deliver the tasks for each of the district review plan phases between December 2016 and June 2019, it is estimated that a total of 3-4 additional FTE policy planners are required in the Development Planning Unit for a 2-year period from September 2017 onwards. These additional planning resources will be crucial to WDC to keep the “momentum” of the programme moving forward in an efficient and focussed manner in conjunction with a stream lined governance and engagement structure.

8. **Communications & Stakeholder Engagement**

It has been identified in the early establishment/effectiveness review stage that a dedicated resource to support internal and external communications and engagement is required.
WDC will develop a Communication and Engagement Plan for submission to Council for approval in December 2016, which will outline the overall strategy for internal communication for the project as well as the ongoing public communication throughout the District Review process.

The Plan will also outline the role of the Senior Policy Planner - Engagement in detail and relationships to support the wider project team. WDC will provide regular briefing and updates to strategic partners via the existing DPR/DDS governance structure.

9. **Health & Safety**

The Waimakariri District Council Health and Safety Policy will provide the guiding processes for the project team. For those team members from an external organisation, they will be required to adhere to their own organisation’s Health and Safety Policy.

10. **Risk and Issue Management and Reporting**

A project dashboard will be used to monitor progress for the District Plan Review and will be updated monthly and provided bi-monthly for reporting to the PCG. This will include the following high level information: programme, key risks, financial reporting summary, current phase and completion of key tasks.

A comprehensive risk register will be used to report, manage and mitigate risks over the life course of the project. This will be updated as a “live” document and risks will be reported and reviewed by the PCG on a monthly basis.

Below is an example of the Risk Register template which details the risks in the current District Plan Effectiveness Review/Establishment phase. Appendix C contains the current Programme Risk Register.

**Key:**

- **Probability Impact Matrix**

<table>
<thead>
<tr>
<th>Probability</th>
<th>Impact</th>
<th>Risk Score</th>
<th>Mitigation</th>
<th>Risk Owner</th>
<th>Acceptable level of residual risk?</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>5</td>
<td>10</td>
<td>Project management to ensure process will meet target</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>8</td>
<td>12</td>
<td>Ensure sufficient staff resource and consultant support</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>6</td>
<td>12</td>
<td>Ensure stage 3 is complete prior to October 2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>6</td>
<td></td>
<td>Y</td>
<td></td>
</tr>
</tbody>
</table>
WAIMAKARIRI DISTRICT PLAN REVIEW AND DISTRICT DEVELOPMENT STRATEGY
PROJECT CONTROL GROUP
TERMS OF REFERENCE

Overview

The Project Control Group (PCG) oversees the management and delivery of the Waimakariri District Plan Review (DPR) and the Waimakariri District Development Strategy (DDS).

Purpose

The purpose of the PCG is to guide, enable and monitor development of the DPR through to the public release and notification of the proposed plan and the preparation and finalisation of the DDS. The PCG provides senior management oversight and cross Council buy-in.

Roles

The roles of the PCG in order to meet the purpose includes but is not limited to:

1. Overseeing implementation of Council or Council Committee decisions and makes any recommendations to the Chief Executive and Management Team;
2. Provides Management Team input and liaises with Management Team as required;
3. Reviews overall progress, in conjunction with any necessary project management advice;
4. Confirms the work plan of the Core Project Team based on the Project Initiation Report and the Project Execution Plan;
5. Receives, reviews and approves work from the Core Project Team or in some instances the Technical Advisory Group;
6. Makes recommendations to the Core Project Team via the Development Planning Unit Manager;
7. Confirms the brief and final Communications and Engagement Plan for the DPR and DDS;
8. Receives, reviews and approves the Project Plan for the DDS and work plan of the Core Project Team;
9. Provides recommendations on key documents where necessary, including but not limited to:
   - Issues and options papers
   - Position papers
   - Specific communication and engagement exercises
   - Reports or briefings to Council, Council Committees or Boards
10. Confirms the Terms of Reference for any Reference Groups;
11. Oversees progress of the E-Plan project;
12. Recommends to Council or the relevant Council Committee that the draft DDS and draft and proposed District Plan be publicly notified;
13. Recommends to Council or the relevant Council Committee that the final DDS and District Plan are adopted;
14. Provides a quarterly DPR Dashboard Report to the Council or relevant Council Committee prepared with the Development Planning Manager and/or Project Manager which will report on:
   - Issues, risks, milestones, programme, engagement.

Members

Membership of the PCG shall comprise:

Manager Strategy and Engagement - Simon Markham (Project Sponsor)
Manager Regulation - Nick Harrison
Development Planning Manager - Trevor Ellis
Plan Implementation Manager - Victoria Caseley
Manager Utilities and Roading – Gerard Clearly (ex officio)
Manager Community and Recreation – Craig Sargison (ex officio)
Project Manager – TBC and as required, subject to selection process

Other Waimakariri District Council senior management staff as required.
MKT representative – TBC and as required

Meetings

The PCG will meet a minimum of every 8 weeks, or when requested to do for urgent matters or matters relating to the purpose of the PCG.

Minutes are to be recorded.
WAIMAKARIRI DISTRICT PLAN REVIEW AND DISTRICT DEVELOPMENT STRATEGY
TECHNICAL ADVISORY GROUP
TERMS OF REFERENCE

Overview

The Technical Advisory Group (TAG) provides cross-council input into the preparation of the Waimakariri District Plan Review (DFR) and the Waimakariri District Development Strategy (DDS).

Purpose

The purpose of the TAG is to contribute to the development of the DFR and DDS by ensuring Council requirements, Council professional knowledge and other relevant factors are identified, assessed and taken into account.

Roles

1. Provides feedback on material relating to the preparation of the DFR and DDS;
2. Receives and responds to options relating to the development of material from the Core Project Team;
3. Receives or provides input as to those issues or matters that should be factored into the DFR and DDS;
4. Enables a means to seek specialist Unit input and to agree the brief for input for the DDS and DFR;
5. Recommending technical input and the commissioning of reports;
6. Assist in the preparation of, but not limited to:
   - Issues and options papers
   - Position papers
   - Specific communication and engagement exercises
   - Reports or briefings to Council, Council Committees or Boards
7. Provides input into other processes including the E-Plan project, communication and engagement exercises where required.

Members

Membership of the TAG shall comprise:

Infrastructure Strategy Manager
Development Manager
Senior Transport Engineer
Green Space staff member
Plan Implementation Unit staff member
Policy and Strategy Unit staff member

MKT representative – TBC and as required

Other staff or consultants as required such as the Environmental Services Manager and individuals of the Core Project Team

Meetings

The TAG will meet a minimum of every five weeks (to be scheduled in between PCG and Council Committee meetings), or when requested to do so for urgent matters or matters relating to the purpose of the TAG.

Minutes are to be recorded.
### Overall Project Status

<table>
<thead>
<tr>
<th>Overall Project Status</th>
<th>Quality</th>
<th>Time</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>Risks</td>
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<tr>
<td>Last Report</td>
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</tbody>
</table>

**Legend:**
- **Green**: Progressing to plan.
- **Amber**: Potential risk. For Governance attention.
- **Red**: Behind plan. For Governance action.

### Overall Project Commentary (this fortnight)

#### Current Activities

**Achievements this Period:**

- 

**Current Activities:**

- 

**Planned Activities – next month**

- 

### Progress against Key Milestones/tasks

<table>
<thead>
<tr>
<th>#</th>
<th>Milestone</th>
<th>Progress Description</th>
<th>Due Date (week commencing)</th>
<th>Projected / (Actual Date)</th>
<th>Status</th>
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### Top 3 Issues (leaving blank is not valid)

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<th>Issue Description</th>
<th>Status</th>
<th>Overall Issue Rating</th>
<th>Action Required</th>
<th>Open since</th>
<th>Owner</th>
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### Top 3 Risks (leaving blank is not valid)

<table>
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<tr>
<th>Item #</th>
<th>Risk Description</th>
<th>Status</th>
<th>Overall Risk Rating</th>
<th>Risk Mitigation / Control</th>
<th>Open since</th>
<th>Owner</th>
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### Decision Requested (only items that require decisions from the PCG)

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<tr>
<th>Item #</th>
<th>Decision Description</th>
<th>Status</th>
<th>Priority</th>
<th>Decision required from PCG</th>
<th>Date required</th>
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<tr>
<td>No.</td>
<td>Risk / Issue</td>
<td>Likelihood</td>
<td>Impact</td>
<td>Risk Score</td>
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<tr>
<td>1</td>
<td>Do not meet end of next electoral cycle timeframe</td>
<td>2</td>
<td>5</td>
<td>10</td>
<td>Project management to ensure process will meet target</td>
<td>Y</td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td>Ensure sufficient staff resource and consultant support</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Ensure Draft District Plan is released prior to October 2019</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Budget exceeded</td>
<td></td>
<td></td>
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<td>Engage with consultants early in process and identify budget for projects</td>
<td>Y</td>
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<tr>
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<td></td>
<td></td>
<td>Ensure financial reporting through project and any additional financial</td>
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<td></td>
<td>expenditure is identified and reported as soon as possible</td>
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<tr>
<td>3</td>
<td>Elected members cannot reach agreement on key strategies</td>
<td></td>
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<td></td>
<td>Ensure sufficient information is available and opportunities to discuss</td>
<td>Y</td>
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<tr>
<td>4</td>
<td>Partners and stakeholders do not consider that engagement and consultation</td>
<td></td>
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<td></td>
<td>Ensure participation, engagement and feedback is set up early and terms</td>
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<tr>
<td></td>
<td>have been meaningful or adequate</td>
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<td>agreed</td>
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<td>5</td>
<td>Insufficient internal staff capacity</td>
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<td>Provide adequate staff resources.</td>
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<tr>
<td>6</td>
<td>Availability of identified consultants</td>
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<td></td>
<td></td>
<td>Anticipate requirements and manage as required</td>
<td>Y</td>
</tr>
<tr>
<td>7</td>
<td>Scope creep</td>
<td></td>
<td></td>
<td></td>
<td>Manage scope in consultation with Project Manager and Sponsor</td>
<td>Y</td>
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<tr>
<td>8</td>
<td>Previously reviewed sections of plan subject to full notification and change</td>
<td></td>
<td></td>
<td></td>
<td>Manage scope of the review for sections which have recently been reviewed</td>
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<td></td>
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<td>to isolate new material and reformatting as being within scope.</td>
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<tr>
<td>9</td>
<td>Community concerns</td>
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<td>Engage through considered consultation relevant to issue</td>
<td>Y</td>
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<td></td>
<td></td>
<td></td>
<td>Develop and use communications plan</td>
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<tr>
<td>10</td>
<td>Unanticipated decisions by Council</td>
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<td></td>
<td></td>
<td>Ensure engagement in process, provision of information through Council</td>
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<td></td>
<td></td>
<td></td>
<td>workshops and briefings and management of volume of material presented to</td>
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<td></td>
<td>elected representatives</td>
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<tr>
<td>11</td>
<td>Delays in preparation leading to reworking or work ‘going cold’</td>
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<td>Ensure project management in advance to ensure required background advice</td>
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<td></td>
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<td>available when necessary, meetings are scheduled, and legal advice obtained,</td>
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<td></td>
<td></td>
<td>and staff available to meet targets</td>
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<tr>
<td>12</td>
<td>Staff turnover resulting in inconsistent drafting and delay</td>
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<td>Review process to involve active peer review and engagement to avoid single</td>
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<td>staff member being the only person familiar with particular projects. Good</td>
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<td>recording and categorisation systems for information</td>
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<td>Commissioners become involved with process and are unavailable to</td>
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<td>Engage commissioners early to prevent conflict of interest</td>
<td>Y</td>
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<td>Hear submissions</td>
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<td>Eternal review delays or significant matters raised</td>
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<td>Timeliness of reviews to factor in feedback</td>
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<td>15</td>
<td>Legislation change</td>
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<td></td>
<td>Watching brief. Active contribution to consultative processes</td>
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</table>
### Table of Key Upcoming Tasks

Related Tasks shown in italics and brackets: *(1,5,6)*

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<tr>
<th>PHASE</th>
<th>TASK</th>
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<th>FINISH</th>
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<tbody>
<tr>
<td>1.</td>
<td>1. National / Regional / Internal Policy Review</td>
<td>DPU (1x FTE)</td>
<td>4 July 16</td>
<td>29 July 16</td>
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<tr>
<td></td>
<td>2. Establish &amp; Brief Programme Control Group (PCG) and Technical Advisory Group (TAG)</td>
<td>DPU + Various</td>
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<td>PCG</td>
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<td>3. Assessment of Current Plan / Policies / Gaps and issued to TAG (5 x No. completed) <em>(1,4)</em></td>
<td>DPU (1.5 x FTE)</td>
<td>4 July 16</td>
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<td>4. TAG Review and Feedback on 5 x Plan Chapter assessments <em>(3)</em></td>
<td>TAG</td>
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<tr>
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<td>5. Assessment of Current Plan / Policies / Gaps and issued to TAG (10 x No. completed) <em>(1,9)</em></td>
<td>DPU (3 x FTE)</td>
<td>1 Aug 16</td>
<td>31 Aug 16</td>
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<td>6. Draft DPR Communications and Engagement Plan Prepared and issued to DPU <em>(13)</em></td>
<td>WDC Comms Team / DPU</td>
<td>1 Aug 16</td>
<td>31 Aug 16</td>
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<td>7. Tender E-Plan Provider <em>(10)</em></td>
<td>DPU</td>
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<td>8. TAG Review / Feedback Meeting <em>(4)</em></td>
<td>TAG</td>
<td>Thurs 15 Sept 16</td>
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<td>9. TAG Review and Feedback on 10 x Plan Chapter assessments <em>(5)</em></td>
<td>TAG</td>
<td>1 Sept 16</td>
<td>23 Sept 16</td>
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<td>10. Recommend E-Plan Provider to PCG for appointment <em>(7,12)</em></td>
<td>DPU</td>
<td>1 Sept 16</td>
<td>7 Sept 16</td>
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<td>11. Assessment of Current Plan / Policies / Gaps and issued to TAG (8 x No. completed) <em>(1,15)</em></td>
<td>DPU (3 x FTE)</td>
<td>1 Sept 16</td>
<td>23 Sept 16</td>
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<td>12. PCG Meeting <em>(7,10)</em></td>
<td>PCG</td>
<td>Thurs 15 Sept 16</td>
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<td>13. Communications and Engagement Plan Finalised <em>(6)</em></td>
<td>WDC Comms Team / DPU</td>
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<td>14. TAG Review / Feedback Meeting <em>(9)</em></td>
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<td>15. TAG Review and Feedback on 8x Plan Chapter assessments <em>(11)</em></td>
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<td>16. Strategic Framework Chp 13 Evaluation Scope &amp; Recommendation to TAG <em>(1,17)</em></td>
<td>DPU (3 x FTE)</td>
<td>3 Oct 16</td>
<td>14 Oct 16</td>
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<td>17. TAG Review / Feedback Meeting and discussion of Strategic Framework recommend <em>(16,15)</em></td>
<td>TAG</td>
<td>Weds 14 Oct 16</td>
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<td>18. Chapter assessments updated with TAG feedback then GAPS / direction analysis issued to TAG for final review / confirmation <em>(4,9,15)</em></td>
<td>DPU (3 x FTE)</td>
<td>17 Oct 16</td>
<td>25 Oct 16</td>
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<td>19. TAG Review and Feedback on Strategic Framework and final chapter assessments <em>(17,18)</em></td>
<td>TAG</td>
<td>25 Oct 16</td>
<td>4 Nov 16</td>
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<td>PHASE</td>
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<td>START</td>
<td>FINISH</td>
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<td>20.</td>
<td>DPU finalisation of Strategic Framework and chapter assessments summary for issue to PCG</td>
<td>DPU (3x FTE)</td>
<td>25 Oct 16</td>
<td>7 Nov 16</td>
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<td>21.</td>
<td>E-Plan Lite of current DP undertaken (7,10,12)</td>
<td>E-Plan Resource</td>
<td>Oct 16</td>
<td>May 17</td>
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<td>22.</td>
<td>TAG Review/ Feedback Meeting (17,18)</td>
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<td>Weds 9 Nov 16</td>
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<td>23.</td>
<td>Strategic Framework Review and Updated Chapter Assessments recommendation issued to PCG for approval of direction and structure</td>
<td>DPU</td>
<td>7 Nov 16</td>
<td>10 Nov 16</td>
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<td>24.</td>
<td>PCG Meeting (20)</td>
<td>PCG</td>
<td>Thurs 17 Nov 16</td>
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<tr>
<td>25.</td>
<td>DP Structure, Format, Setout agreed, including E-Plan format</td>
<td>DPU</td>
<td>14 Nov 16</td>
<td>14 Dec 16</td>
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<tr>
<td>26.</td>
<td>DPR Templates and Drafting Style developed and agreed</td>
<td>DPU</td>
<td>14 Dec 16</td>
<td>20 Jan 17</td>
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<tr>
<td>27.</td>
<td>DPE Summary Report Finalised and issued to TAG then PCG for approval of public release. (23)</td>
<td>DPU</td>
<td>14 Nov 16</td>
<td>20 Jan 17</td>
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<tr>
<td>28.</td>
<td>TAG Review/ Feedback Meeting (25,26,27)</td>
<td>TAG</td>
<td>Weds 25 Jan 17</td>
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<td>29.</td>
<td>DDS Strategic Directions to input into DPR, received</td>
<td>DDS</td>
<td>31 Jan 17</td>
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<tr>
<td>30.</td>
<td>PCG Meeting (25,26,27,28)</td>
<td>PCG</td>
<td>Thurs 15 Feb 17</td>
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<tr>
<td>31.</td>
<td>Prepare Draft of Strategic Framework Chapter (23,28,30)</td>
<td>DPU</td>
<td>1 Feb 17</td>
<td>28 April 17</td>
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<tr>
<td>32.</td>
<td>Define Scope all other Chapters/Topics for DP Sections (in priority order)</td>
<td>DPU</td>
<td>1 Feb 17</td>
<td>29 Sept 17</td>
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<tr>
<td>33.</td>
<td>Prioritise and Programme remainder of DP chapter review process. Allocate internal/external resources.</td>
<td>PM</td>
<td>April 17</td>
<td>May 17</td>
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<tr>
<td>34.</td>
<td>Update budget requirements and cashflow</td>
<td>PM</td>
<td>May 17</td>
<td>May 17</td>
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**Note:** additional PCGs can be called when required. TAG and PCG meetings for task 31 onward to be agreed at PCG 15 February.